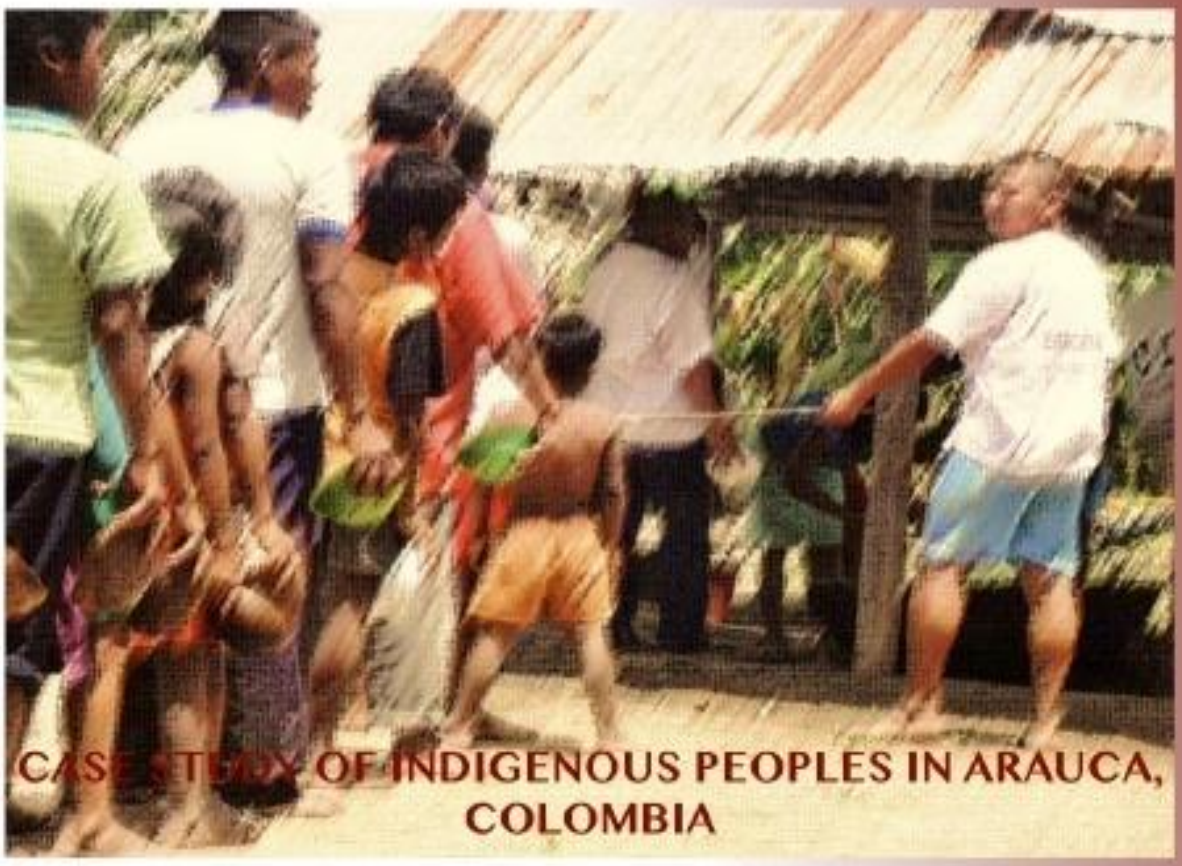
Master Thesis 30 ECTS

BETWEEN THE NARROW LIMITS OF STRUCTURAL VIOLENCE AND ARMED CONFLICT VIOLENCE



By
Ana Catalina Arenas Cano

Supervisor
Juan Carlos Gumucio

International Humanitarian Action, NOHA, Uppsala University

UPPSALA UNIVERSITET

December 2012

NOHA
Network on Humanitarian Assistance
International Association of Universities

Cover photo: José Ramón Gomez, Arauca, 2012

Front page designed by: Manuela Giraldo

'When an Indigenous People disappears, a whole world is extinguished forever, along with its culture, spirituality, language, ancestral knowledge and traditional practices ... The survival of Indigenous Peoples with dignity is all in our hands." *National Indigenous Organization of Colombia (ONIC)*

"We are not myths of the past neither ruins in the jungle. We are people and we want to be respected…"
Rigoberta Menchu Tum

TABLE OF CONTENTS

ABSTRACT **5**
PREFACE **6**
ACKNOWLEDGEMENTS **7**
ACRONYMS **8**
1.1 Aim and Research Question 10
1.2 Theoretical Framework 10
1.2.1 Structural Violence **11**
1.2.2 Civilians Targeted by GAO ML **12**
1.2.3 Legal and Illegal Actors **13**
1.2.4 Territory **14**
1.2.5 Identity **15**
1.2.6 Good Practices **16**
1.2.7 Do No Harm **17**
1.2.8 Connectors and Dividers **18**
1.2.9 Conflict Transformation **19**
1.3. Relevance to Humanitarian Action **20**
1.4 Methodology 21
1.5 Limitations 23
2. BACKGROUND AND LEGAL FRAMEWORK **24**
2.1 Ethnographic Approach 28
2.2 Legal Instruments on the Paper and Human Rights on the Ground for Indigenous Peoples 31
2.2.1 Colombia a Multicultural Country **31**
2.2.2 Regarding Culture and Territory **32**
2.2.3 Regarding Health Care **33**
2.2.3 Beyond the Political Constitution, Laws and Decrees **34**
3. INDIGENOUS PEOPLES OF ARAUCA: BETWEEN THE NARROW LIMITS OF STRUCTURAL VIOLENCE AND ARMED CONFLICT VIOLENCE **38**
3.1 Lands Historically Occupied by means of Structural Violence 38
3.2 Indigenous Territory in the Eye of the Oil Boom 44
3.2.1 The Guahibo Case: Peoples that Disappear as their Lagoon **45**
3.2.2 The U'wa Case: An Emblematic Case of Prior Consultation **46**
3.3 Armed Conflict Violence: Risks and Threats 47
4. HUMANITARIAN SITUATION: AN ALARMING CRISIS **52**
4.1 Displacement 52
4. 2 Presence of APM/ERW and Confinement 54
4. 3 Housing and Basic Sanitation 56

4.4 Ethno-education 60
4.5 Food Insecurity, Malnutrition and Health 62
4.6 Humanitarian Response 66
4.7 Do No Harm 69
4.7.1 Moral and Empowerment Harms 70
4.7.2 Harms in Terms Food Culture and Health 72
4.7.3 Harms to Security 73
4.7.4 General Harms 74
5. APPROACH TO GOOD PRACTICES IN HUMANITARIAN INTERVENTIONS FOR INDIGENOUS PEOPLES IN ARAUCA 76
6. CONCLUSIONS 81
7. REFERENCES 87
8. ANNEXES 91

ABSTRACT

Indigenous communities living in Arauca department, a region located on the Eastern Plains of Colombia, are at an imminent risk of physical and cultural extermination - according to the orders 004 and 382 from the Constitutional Court of Colombia- due to a double vulnerability which stems from a historic structural violence dating from the creation of the nation-state and direct violence as a consequence of armed conflict. The physical extermination refers to the high mortality rates that this population suffers either by violence or natural death, while the cultural extermination is a result of both an accelerated process of acculturation and a progressive loss of culture, territory and respect from traditional authorities. This study, by analyzing the local context and the actions that have done harm, addresses the best practices for humanitarian interventions over the role of territory, culture, governance and autonomy as key factors for empowering community members to overcome, face or diminish the consequences of these vulnerabilities.

Key words: indigenous peoples, indigenous extermination, structural violence, Colombian armed conflict, land grabbing, land occupation, territory, culture, self governance, humanitarian interventions, do no harm, good practices in humanitarian action

PREFACE

After working with indigenous communities, who were victims of armed conflict in Arauca department, under the framework of a humanitarian aid project for almost a year, I decided to research why these ancestral peoples were facing such a devastating humanitarian crisis. Moreover, I wanted to understand why the projects and programmes carried out by institutions and humanitarian actors, which attempted to assist them to overcome their life conditions, were failing in practice and spoiling communities.

ACKNOWLEDGEMENTS

I would like to thank the people that accepted to be interviewed during the research period and my supervisor for his valuable feedback. Moreover, I will be forever grateful to all the indigenous communities in Arauca who opened me the door of their reservations, treated me as one of them and showed me their tireless struggle to maintain their culture, land and dignity. Last but not least, I would like to express the immense gratitude towards my mother for being the light that guides my way, and also for standing next to me from a distance and staying up late supporting me during this writing process.

ACRONYMS

GAO ML	Armed Group Outside the Law
ELN	National Liberation Army
FARC	Revolutionary Armed Forces of Colombia
AUC	Self-defense Forces of Colombia
ERPAC	Popular Anticommunist Revolutionary Army of Colombia
BACRIM	Emerging Criminal Gangs
ILO	International Labor Organization
DDHH	Human Rights
IHL	International Humanitarian Law
DANE	The National Administrative Department of Statistics
DPS	Department for Social Prosperity
OBSAR	The Institute of Observation and Solidarity with Arauca
PAICMA	Presidential Program for Comprehensive Action against Antipersonnel Mines
WQI	Water Quality Index
UAESA	Health Administrative Unit of Arauca Department
MAP/MUSE	Antipersonnel Landmine and Explosive Remnants of War
ASOCATA	The Association of Cabildos and Traditional Authorities of Tame
ASCATIDAR	Association of Councils and Traditional Authorities of Arauca Dept.
CEIN	Indigenous Education Center
ICBF	Colombian Family Welfare Institute
NGO	Non Governmental Organization
MSF	Doctors Without Borders
OCHA	Office for the Coordination of Humanitarian Affairs
UNDP	The United Nations Development Programme
ICRC	International Committee of the Red Cross
UNHCR	United Nations High Commissioner for Refugees
WLF	Lutheran World Federation
PAHO	Pan American Health Organization
WFP	World Food Programme
IDP	Internal Displaced Peoples
SAT	Early Alert System

ARAUCA IN THE COLOMBIAN MAP

Source: regionorinoquia-arauca.blogspot.com

1.1 Aim and Research Question

The aim of the present research is to understand why and due to which causes indigenous peoples located in Arauca Department are facing a great situation of vulnerability, according to the Constitutional Court of Colombia, and learn from previous humanitarian interventions that have been implemented in the field, in order to propose actions based on good practices.

As a way to achieve the aim, this study raises the following research questions:

1. Is it violence a determinate factor that has caused the status of vulnerability suffered by the indigenous people of Arauca? If so, what types of violence they have been victims of?
2. To what extent the transformation of semi-nomadic to sedentary practices in indigenous peoples, has influenced their current life style and has it contributed or not, to their situation of vulnerability?
3. What is the scope of the humanitarian situation experienced by these indigenous communities?
4. Which practices should be implemented by humanitarian actors according to the ancestral culture and the local context, in order to empower communities to overcome their vulnerabilities, and the roll of territory, culture and self-government within these practices?

1.2 Theoretical Framework

This thesis is about indigenous vulnerability and from one side the failure from the State to include them and from the other a continuous victimization by illegal armed actors. It includes a discussion of how this is being characterized within the context of the Colombian conflict in this particular area. In order to explain the following phenomenon, theoretical perspectives from Johan Galtung regarding structural violence, and from Stathis Kalyvas regarding why civilians are targeted in conflict, are going to be addressed. Likewise, throughout the research the concepts of identity and territory for indigenous peoples, and the role that this last issue plays in the conflict, will delimit

the analysis. In addition, the theories of good practices and Do No Harm will help this research to propose activities that strengthen connectors and lessen dividers, in order to empower communities so they can achieve a transformation of their current situation.

1.2.1 Structural Violence

By structural violence, this research will use the definition that states that it is an invisible and indirect type of violence exerted by a social structure; in this case, the Colombian State which has systematically prevents indigenous peoples from meeting their basic human needs regarding politic, social and economic issues. This occurs because the structural violence it is built over unbalanced power relationships that sets and promote inequality, repression, discrimination and exploitation. The above-mentioned despite the fact that there is a constitutional legal order that guarantees their rights and protects them as minorities, at least on paper. Structural violence against indigenous peoples it is based on forms of oppression and discrimination present since the colonial era which have changed in style but not in content.Thus, it is important to highlight the fact that an institutional structure intentionally exerts indirect/informal or direct/regular, violence to the population or to certain groups of it (Galtung, 1969).

Likewise, this type of violence has denied indigenous peoples the opportunity of fulfilling their potential as human beings due to four taxonomies that have not been able to coexist at the same time:

1. Autonomy and indigenous law vs. the exercise of sovereignty of the nation-state.
2. A state unable to conceptually integrate the indigenous population through a differential approach, despite boasting in its Political Constitution of being a multicultural country.
3. Irregular power groups, such as GAO ML, ranchers and multinationals, for whom indigenous peoples are considered as "the others" and whose interests in political and economic control is antagonistic to the ancestral cultures. They are therefore considered a natural obstacle.
4. Western logic of occupying territory vs. the indigenous logic to assume its existence on it (Gumucio, 2012).

1.2.2 Civilians Targeted by GAO ML

Stathis Kalyvas has widely explained in his book "The Logic of Violence in Civil War" why armed actors involved in conflicts target civilians depending on the control that they have over a geographical space. The following table categorizes 5 different Zones of territorial control and shows the level of violence exerted against civilians with respect to the Zone.

Zones	Actors	Degree of Control Over a Geographical Territoy	Level of Violence
1	State	Strong control	Non-violent
2	State	A quasi monopoly of violence	Indiscriminate violence
3	State/Insurgency	Contested area	Selective violence
4	Insurgency	A quasi monopoly of violence	Indiscriminate violence
5	Insurgency	Strong control	Non-violent

Source: Kalyvas, 2000

Kalyvas states that in Zones 1 and 5 there is no need to use violence as defection will be unlikely due to the fact that without the presence of the enemy in the territory, it is improbable for civilians to pass information to the enemy or cooperate with rival organizations. On the contrary, Zones 2 and 4 will be the most violent zones as indiscriminate and massive violence will be used against civilians in order to deter them from committing actions which can harm the actor that has the control of the territory.

Finally, challenging what people might think, in Zone 3 the level of violence is less than in Zone 2 and 4 but more than in Zones 1 and 5. In Zone 3, where "the government rules by day and the rebels by night" (Kalyvas, 2000:16), the actors will use violence but only in a selective way as they prefer to deter defection rather than promoting it. In this Zone, any retaliation or support from civilians can make a change in the correlation of power (Cottam 1967).

In the Department of Arauca, the municipalities are between Zone 2 and Zone 3, depending on which one we are referring to. However the correlation of power changes

in the indigenous reservation by been located in rural areas with weak State presence, putting them in Zone 4.

This explains why indigenous peoples, even more than any other civilian minorities, have been highly affected by the armed actors. Likewise, using their territories as battle fields set them on the spot of military operations, seeming to be their territory as a free fire zone. However, living in contested territories is just one of the elements that have put them in a big danger. Civilian victimization is an intended war strategy. Violent tactics against civilians are used to achieve direct or indirect military benefits (Humphreys and Weinstein, 2005).

Unlike structural violence, the armed conflict violence is a direct and visible type of violence exerted by a clearly identifiable actor, i.e. by a legal or illegal group that has a name and act willfully to physically harm or damage civilians.

1.2.3 Legal and Illegal Actors

Both armed legal and illegal actors are interested in having social and political control over indigenous territories, not only because of the importance that the support of civilians has in contested areas, but also because of the natural resources that lie beneath them (Pantuliano, 2009:12). To gain this support, armed actors use violent tactics to undermine the population´s will to resist. However, in the region of Arauca it is possible to affirm that the state's interest in land is not for its own direct possession, control or exploitation, but rather as a form of loot that can be freely allocated to its favored agents and proxies (Ibid;13), to be more precise, production of hydrocarbons by multinationals.

To indigenous peoples having natural resources in their territory has not had any positive consequences on their quality of life. On the contrary, it is one of the biggest threats to their life and puts them at risk of extermination. But why is that? First of all, land and oil wells, are taxable assets that cannot be moved anywhere else (Boix, 2008), thus, it has to be the population that needs to move in order to make way to the activities for the exploration and exploitation of hydrocarbons. However, "as inequality in a given country goes up, the demand and political pressure for redistribution will intensify. As a result, to avoid paying high, quasi-confiscatory taxes, the wealthy will be even more

inclined to establish an authoritarian regime that excludes the majority of the population" (Boix, 2008: 201). Indeed, this can be one the reasons why, in spite of living in rich territories, indigenous peoples are literally starving.

Especially in the Department of Arauca, structural violence (indirect) and the violence generated by armed conflict (direct) have had serious consequences in reducing mobility, territorial loss, social discrimination, economic exploitation, violation of human rights and, in recent years, displacement, containment and targeted killings of indigenous leaders. These facts of direct and indirect violence have accelerated the process of ethnic transfiguration (Ribeiro, 1971) of indigenous peoples generating problems that did not exist in these ancient communities before, such as: integration into the informal sector of labor market, divisions within communities, inconsistency between traditional thought and daily activities, social tissue breakdown and loss of respect for ancestral authorities. This has lead, to a permanent loss of culture and in some cases, to the adoption of behaviors that do not correspond to their ancestral traditions, for instance, prostitution, drug addiction and alcoholism.

1.2.4 Territory

Another point that should be highlighted is the relationship between indigenous peoples and territory which explains why it is so complicated to move them out of their land. For aboriginal peoples the concept of inhabiting territory consists on a structural harmony interlinked with health, environment, cultural rituals, social and political structures. In this scenario, the territory is more than a sum of natural elements within a geographical space. It is understood as a concept in which nature and culture, environment and human beings, the sacred and the quotidian, the spiritual and the material melt into one (ICBF, 2012). On the other hand, for the State as well as for the GAO ML, in accordance with the Western point of view, the concept of territory only covers the material dimension. Therefore, there is a fundamental difference between Western and indigenous cultures regarding the way to establish territoriality, and how it relates to nature:

> "The indigenous order is the result of an ancient adaptation to the environment and the new elements that through recent history were introduced; (While) the Western order has been imposed by the state to try to exert sovereignty over these spaces. Consequently, the disorder generated by the divergence of these two conceptions of territoriality leads to a lack of real spaces of coexistence and respect that prevent build together a territory that both parties need and want (FGA, 2000 quoted by ICBF, 2012)"[1].

Likewise, the concept of territory is attached to the way on how peoples use it for: "as an area of refuge, as a livelihood, as a source of products and financial resources, as administrative political constituency, as a natural beauty, as a reference space for historical past or as a collective memory based on a symbol of identity" (Coronado, 2009:13). In case of aboriginal peoples the territory goes beyond of what exist in the land, such as mountains, rivers, lakes, valleys, etc, because it is also related to a space in the memory and their previous cultural experiences as indigenous communities; reason for which culture, identity and territory cannot be divided and are always interlinked.

1.2.5 Identity

The indigenous identity is a social construction of three principles that can either be visible or not:

1. Principle of differentiation: sum of elements through which groups of people identify themselves from "others" by their differences in dialect, use of symbols, spirituality, cultural productions, unwritten codes, behavior and rules of conduct.
2. Principle of unitary integration: where the collective identity of common elements, such as, codes and rules are based on the group's internal cooperation.
3. Principle of consistency over time: referring to temporal continuity, which enables individuals to build a collective and individual memory that links the past with the present, taking as reference the group of people that distinguish themselves from other groups or other peoples. (Zalasar et al., 2001).

[1] **NOTE**: Translations from Spanish into English are made by the author. Special thanks to Aaron Smith for style corrections made to this study.

The lack of understanding these principles and the inability to assimilate them into the construction of the nation-state, undermine the respect and exercise of political, cultural, economic and spiritual indigenous rights.

1.2.6 Good Practices

Good practices are the programmed and implemented activities that according to evaluation and monitoring processes are evidence of lessons learned and have been successful due to the positive impact that have had in previous humanitarian interventions. Thus, are validated actions, projects or initiatives that should be replicate and serve as general bases for similar experiences and contexts. "The good practices and lessons arise from the knowledge accumulated in multiple experiences, in order to give rise to standards" (Research Report on Security and Transnational Governance, 2011).

Good practices in humanitarian action are those guided by its classical principles: humanity, impartiality, independence, universality and neutrality. In addition, over time there are issues that have gained special interest or relevance in the field of humanitarian action due to the fact that humanitarian crises are becoming more complex and therefore, must be addressed by implementing new approaches in which new principles are incorporated, such as: including beneficiaries in the design and implementation of interventions, strengthening local capacities and reducing vulnerability, socio-cultural adaptation of actions, foster testimony and advocacy, promotion of peace building, gender equality and environmental sustainability.

This study will support its analysis based on the following principles and criteria for good practices: Sphere Project Principles of Protection and the Principles and Good Practice of Humanitarian Donorship (GHD) endorsed in Stockholm, the 17th of June of 2003, by European bilateral donors, UN agencies and a wide range of NGOs:

"1. Avoid exposing people to further harm as a result of your actions
2. Protect people from physical and psychological harm arising from violence and coercion
4. Assist people to claim their rights and recover from the effects of abuse." (Sphere Project, Chapter of Protection, 2011: 32)

And from the GHD:

"7. Request implementing humanitarian organizations to ensure, to the greatest possible extent, adequate involvement of beneficiaries in the design, implementation, monitoring and evaluation of humanitarian response.
8. Strengthen the capacity of affected countries and local communities to prevent, prepare for, mitigate and respond to humanitarian crises, with the goal of ensuring that governments and local communities are better able to meet their responsibilities and co-ordinate effectively with humanitarian partners.
9. Provide humanitarian assistance in ways that are supportive of recovery and long-term development, striving to ensure support, where appropriate, to the maintenance and return of sustainable livelihoods and transitions from humanitarian relief to recovery and development activities." (Principles and Good Practice of Humanitarian Donorship)

1.2.7 Do No Harm

Mary B. Anderson (1999) has made some important reflections on the negative effects that humanitarian interventions might have on targeted communities. To the extent that humanitarian actors both national and international are aware of them, it will be easier to minimize these undesirable consequences and to work more effectively, accountably and responsibly. The resources used in aid projects can become an element of conflict as food, shelter, water, health care or training are introduced into resources-scarce environments, and thus, cause harm. However, if the transfer of resources is based on good practices, programmes can support local capacities for peace, bring communities together based on connectors, and reduce divisions that can lead to destructive conflict.

Do No Harm is an ethical and a moral responsibility that falls on humanitarian aid actions and that determines which interventions are correct or not, under the conceptions of dignity and autonomy (Rodriguez A, 2008). Humanitarian interventions based on these conceptions permit strengthen local capacities, self governance and thus empower communities to deal with the situation by themselves without creating dependence on humanitarian assistance.

In order to do no harm and to strengthen local capacities, it is required, among other steps and suggested processes, the followings:

1. Make a systematic analysis of the local context and examine how aid interacts with conflicts
2. Analyze which are the dividers (systems, institutions, actions, interests or occasions) that weaken communities as a group and creates tensions.
3. Analyze which are the connectors (systems, institutions, actions, interests or occasions) that strengthen communities and build on local capacities.
4. Analyse which are the impacts of the implemented activities and how these interact with the dividers and the connectors within the communities. This enable actors to identify whether programming options are going as planned. (Anderson, 1999)

1.2.8 Connectors and Dividers

Connectors and dividers are elements, within groups, or, between communities and the external environment that can connect or divide them according to certain social and economic contexts. When divisions are fuelled or the connectors are undermined, societies will be more likely to fragment, while if connectors are reinforced and dividers are overcome, communities are more able to find ways to live side-by-side, to create positive effects on intergroup relations and working together to address common problems (Collaborative for Development Action, 2003:2)

The strategy of identifying connector and dividers allows external organization to reduce, in long term, the aggravation of conflicts and to avoid the exacerbation of the cycle of violence. Although the conflict is not negative in itself, as it is understood on the conflict transformation theory, the assumption of this strategy is that "when local actors have ties that keep them connected in a constructive manner, they will be better able to work collaboratively" (Monzon, 2010:1).

1.2.9 Conflict Transformation

Although a wide variety of theoretical approaches have been used to define this concept, conflict transformation is generally understood as the process by which conflicts are transformed from violent to non-violent as consequence of transforming the relationships of the actors involve in conflict. These relationships are transformed from multi level initiatives that change perceptions, softening behaviour and attitudes in order to address incompatibilities in a positive, cooperative and constructive way. The theory of conflict transformation not merely addresses the environment of the conflict but also, its roots causes. For Burton (1989) societies are transformed when "fundamental social and political changes are made to correct inequities and injustice to provide all groups with their fundamental human needs" i.e. the transformation is made through a distribution of power from high power groups to low power groups. However, for Kriesberg, Northrup and Thorson (1989) the transformation consist in changing the relationship between parties and for others, in changing individuals. For Lederach (1995) the transformation of hostile relations is a long term process achieve by education, advocacy and mediation.

For Lederach, as well as for other authors, the empowerment of communities plays an important role in conflict transformation. For instance, Lederach (1995a: 212) describes empowerment as "the procedural element of validating and providing space for proactive involvement in conflict transformation." This statement is also shared by Schwerin (1995: 6) who affirms that "empowerment is central to the theoretical and ideological concerns of most transformationalist groups and movements" (Quotes taken from Botes, 2003).

1.3. Relevance to Humanitarian Action

The dimension of humanitarism has changed its scope during the last decades due to the fact that "crises no longer remain in their separate and distinct boxes" (Barnett and Weiss, 2008: 22) for which is not possible to make a clear cut between humanitarism and development:

> "The meaning of humanitarianism has expanded and increasingly includes what were once considered distinctive features of global social action, such as human rights, economic development, democracy promotion, and peacebuilding which increasingly are bundled together in a general ethic of moral caretaking and the reduction of suffering. Humanitarianism has become institutionalized, internationalized and prominent on the global agenda" (Barnett and Weiss, 2008, quoted by Rossier 2011; 18).

However, it seems that there is a fear to cross the line from the humanitarian field to development, although both of them are interlinked and should work together in the same logic of continuity, also called, continuum (Ibid) for the good of the peoples. Moreover, if humanitarian actors are dealing with protracted crises in which victims often get used to receiving emergency humanitarian aid, becoming dependents of it, and undermining their ability to overcome the situation by themselves.

For humanitarian actors it is important to start realizing the impact that humanitarian aid has on conflicts, potentially worsening them and damaging the chances of resolution or to contribute, by empowering civilians, to solve them (Anderson, 1999).By not considering this argument various humanitarian projects have exacerbated conflicts, facilitating ethnic transfiguration of indigenous communities, accentuate inequalities, and therefore contributing to conflicts rather than to conflict transformation that intends for peace (Marcos, 1999).

The failure to understand where humanitarian crises come from can guarantee that humanitarian interventions will be limited in their response or even more, have negative impacts on intended beneficiaries and thus, do harm. Without recognizing the roots and causes of the problem, it will not be possible to develop innovative humanitarian interventions that ensure a return to a preconceived state of normality and, support progressive outcomes (Pantuliano, 2008:2).Although the preconceived state of

normality for indigenous people, since the creation of the state nation, has never been of welfare.

This thesis is relevant to the humanitarian field in the way that by understanding structural violence, armed conflict violence and territorial issues of the indigenous peoples in Arauca, humanitarian actors would be able to design projects that go beyond mere assistencialism-basic services delivery such as food, shelter and health care-identifying how would be the best practices to address indigenous vulnerability by restoring basic needs which are tightly linked to territory and land tenure, and also to socio-political and cultural structures.

1.4 Methodology

This research has been conducted using the methodological research tool of case study. This is used to study contemporary issues in their real-life context (Yin, 1994) over which the researcher does not have control. It is also applicable to studying specific and unique cases for which reason the conclusion of this thesis cannot be generalized to other cases. Even though other indigenous peoples in Colombia might be in a similar position to those in Arauca, the collected data and analyzed variables are only from Arauca.

The case study was also chosen as my main methodological research tool because of the type of research question that this thesis intends to approach by firstly describing a situation from real life, secondly explaining it based on the theoretical framework that allows the observation and finally by identifying the elements of causality that lead to that situation. Throughout causality it is possible to link the connection between the academic and the practical world (Yacuzzi, 2006).

Case studies as Yin affirms "preserve a chain of evidence as each analytic step is conducted. The chain of evidence consists of the explicit citation of particular pieces of evidence" (Yin, 1979:11) which "may come from fieldwork, archival records, verbal reports, observations, or any combination of these" (Yin, 1981:59) in order to draw the conclusions. Indeed, it attempts to make valid inferences from the detailed study of this

chain of evidence that is not developed in a laboratory, but in a social and institutional life context (Yacuzzi, 2006).

This study was made by: firstly, carrying out a thorough analysis of existing literature from various books, articles, institutional reports and published documents from humanitarian organizations and UN agencies working in the area, such as CISP, Caritas, LWF, OCHA, UNHCR and the ICRC. Secondly, by visiting in various stages 8 different indigenous reservations located in Arauca, Puerto Rondón and Tame[2] , and also the 4 indigenous education centers (CEIN) along the Department. Thirdly, by recording interviews with major personalities that influence public opinion by making visible the indigenous problems but also that deal with it in their daily work. The people interviewed are indigenous and non-indigenous that understand the situation from various positions and approaches, some more polarized than others, but at the end they are a reflection of a society that has suffered, like no other the inclemency of more than 50 years of armed conflict and social conflict. The questions within the interview intend to investigate the relationship between indigenous peoples, the State and GAO ML and how they see the international NGOs and UN Agencies in this context. Lastly, the collected information was organized, for which it was necessary to highlight the most representative arguments according to the research question which involved selecting, classifying and integrating it within the theoretical framework.

On the other hand, the process of dialogue, observation, and interpretation - allowed me to capture the social dynamic structure of the indigenous peoples by living for 8 months in Arauca. Indeed, during this time I worked on a humanitarian aid project, funded by ECHO, developed with indigenous and peasants affected by armed conflict in Arauca Department. As part of my duties I must visit weekly the indigenous reservations settled in the region, identify major gaps and needs in health, housing, education and security as well as participate in some rituals and see firsthand their culture. In addition I was part of the humanitarian local team and in charge of managing relations with the governmental institutions. Hence, in Chapter 4.7 to section 4.7.4 the stated claims and judgments, of which not much has been written, are a result of the livings of the author,

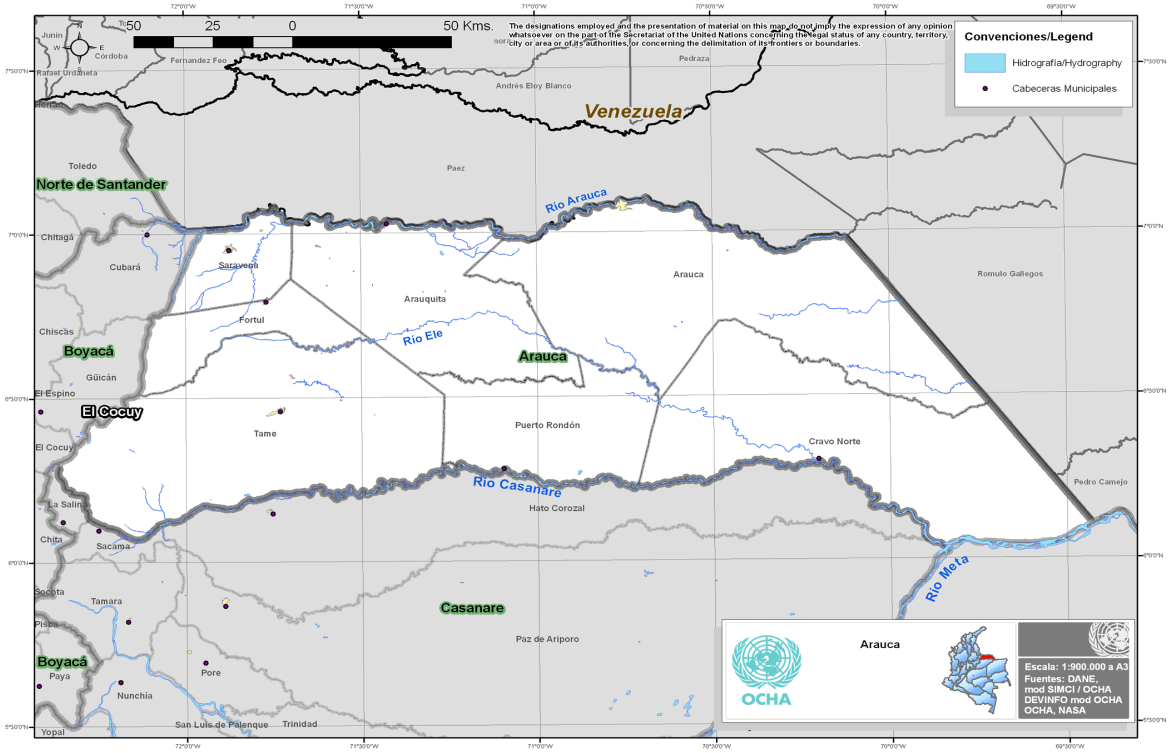
[2] The indigenous peoples who the author observed, learned from their culture and talked with were the ones settle in the following reservation: Matecandela, Corocito, Cuiloto Marrero, Curipao, Roqueros, Genareros, Cabaña Puyeros, Iguanito

free observation and direct field experience. Nonetheless a rigorous comparison was made integrating the tasks performed behind a desk with those made in the field such as talking with indigenous peoples, observing their living conditions, and participating in their routines (Velasco and Díaz, 2003).

1.5 Limitations

Although the aim and primary research question of this dissertation have already been addressed, there were some limitations that had to be faced during the research. Much of the existing literature is not public for security reasons. Official data may have been doctored in order to morally affect the "enemy" or to not alter the perception of insecurity among the population. In addition, as this is a highly sensitive issue owing to the intensity of the armed conflict in the Department, respondents may have omitted information and failed to could engage fully with their answers, despite being reassured that if they wished their name could be changed, as indeed was done to some of the interviewees.

2. BACKGROUND AND LEGAL FRAMEWORK



Source: OCHA, 2008

The Department of Arauca is located in the northeast of Colombia and is part of the Orinoco basin. Arauca borders to the north and west with the Bolivarian Republic of Venezuela, in the south to the departments of Casanare and Vichada, and in the west with the Department of Boyacá. The Department has three types of landscapes: the Oriental Cordillera, which includes part of the Sierra Nevada del Cocuy, representing a fifth of the surface; the foothills and the plain side.[3]

The municipalities that comprise the Department's Andean foothills are: Tame, Saravena, Arauquita and Fortul. In the areas of plain sides are: Arauca, Puerto Rondón and Cravo Norte. According to the 2005 census[4], the municipality of Arauca, (capital of the Department that bears its same name), along with Saravena and Tame are the most populated. The process of urbanization and migration from rural to urban areas is mainly due to the oil boom and forced displacement due to the procrastinated armed

[3]For more information, please refer to http://www.arauca.gov.co/
[4] See ANNEX 1. Total population of Arauca by municipality

conflict that has affected in its majority, as most of the armed conflicts post World War II, the civilian population.

Among the major sectors of the Araucan economy are: cattle, agriculture crops of banana, cacao, maize, cassava, and on a smaller scale, rice, fishing and trade. Herds of cattle are not only a pillar of the economy but it has also defined the Eastern Plains idiosyncrasy and it is strongly rooted in the regional culture. However, oil is undoubtedly the most important economic activity in the region. "Arauca Department, along with Casanare and Vichada provides 69.4% of the national oil production and it receives a high percentage of royalties for this item" (CODHES, 2011:21).

The national government has contracted for exploration, exploitation and production of hydrocarbons: Ecopetrol (national oil company) and the Occidental Petroleum Corporation –Oxy- (from the U.S.A.) with presence in Caño Limon´s complex, which extends to the municipality of Arauca and Arauquita; Pacific Rubiales Energy (from Canada), with presence in the municipality of Arauca; and recently the Bicentennial Pipeline Colombia -OBC- whose construction involves seven multinationals and passes through Saravena, Tame and Puerto Rondón.

Nonetheless, the interests and the geostrategic importance of the territory are not only due to the presence of oil, but also because of its access to Venezuela and the mountains through the Oriental Cordillera. These features combined with a weak state presence and generalized poverty in the area (despite its richness in natural resources) have facilitated the establishment and evolution of Organized Armed Groups Outside the Law -GAO ML- for over three decades, which have exploited the geostrategic location of the Department "for drugs, weapons and supplies smuggling and trafficking through the national and international border area, which by its topography offers vast opportunities for movement and refuge areas and rear" (SAT, 2011:2).

The guerrillas groups have achieved major political and economic control over the area. Economic control was based on the proceeds of the extortion of oil companies, and then, on the cultivation of illicit crops and drug trafficking.

The first group that appeared was the National Liberation Army –ELN- in the 1980´s with the Front Domingo Laín; then in the 1990´s, the fronts 10, 28, 45 and 56 belonging to the Eastern Bloc of the Revolutionary Armed Forces of Colombia –FARC- and afterwards the United Self-Defense Forces of Colombia -AUC- which demobilized in 2005 and rearmed again in 2011, changing their names to the Black Eagles and Popular Anticomunist Revolutionary Army of Colombia –ERPAC-.

In the last decade, the armed conflict within Department of Arauca has occurred in three stages: the first, was the incursion of the "block Winners" of the AUC at the beginning of the decade, in the municipalities of Tame and Saravena, and randomly, in Cravo Norte and Puerto Rondón causing a dramatic increase in the homicide rate. The second stage was the dispute between the FARC and the ELN, for territorial control, which resulted in a significant increase in armed confrontations. This dispute between guerrillas, ended in December 2009 with a momentary alliance through a ceasefire agreement called the "non-aggression pact between revolutionaries". And the third stage, consisted of the rearmament in 2010 of the AUC, after the failure of the demobilization process which had taken place in late 2005. According to the AUC notice recently distributed:

> "We inform you that we have arrived and we are staying, we will put the house in order at the price you play. If you, with your guerrilla friends hurt civilians, we will start with you and sweep the house pass the damn militia members that are camouflaged as civilian populations in urban areas, likewise in Arauca capital (...) We want to say that we do not come as BACRIM[5]! NOT! We are the same paramilitaries who left the so-called Justice and Peace Law[6]. We come to give bullets and killing those who harass tranquility. If you (the people) want blood, blood will pour out. If you (the people) want fire, fire will be shot. If you (the people) want death, death will come. We have taken up arms and will defend ourselves. We will arrive in the evening when people rest. Wait for us at home because the angel of death will touch the door (...) A call to the parent whose children roam the streets late at night to put them away early so they do not run the risk of being confused and being brutally murdered (...) for obvious

[5]The BACRIM are criminal gangs belonging to organized crime, which were created after the demobilization of paramilitary groups and use their same tactics. According to the latest report from Indepaz, the BACRIMs have presence in 40% of the country.

[6]Technically the Justice and Peace Law, is the Law 975 of 2005, in which it was created the legal framework for the demobilization of paramilitary groups. However, this law failed in its implementation, due to the fact that several of the demobilized groups reamed again and others, never demobilized. Likewise, neither met the principles of truth, justice, reparation and non-repetition with victims.

> reasons we cannot send this directly to your home, so if you hear about this statement be cautious and react" Press No 002/2012. Central Command of the Black Eagles. Centauro Block.

The confrontations fought between ELN vs. FARC, guerrillas vs. AUC, and guerrillas vs. militaries, resulted in: a massive displacement of indigenous and peasant communities; the stigmatization of civilians for supporting any of the groups; forced recruitment of minors; confinement; armed strikes; mass murders of union leaders; members of peasant and indigenous organizations; planting of APM and appearances of UXO; and targeted assassinations of officials of the municipal and departmental workers.

The armed conflict with its different dynamics, have undermined the development of the Department, and deepened the violation of human rights of civilians. Moreover, it has had a disproportionately negative impact on indigenous communities, with frequent violations of International Humanitarian Law, leaving Arauca as one of the departments, with the largest humanitarian crisis among the indigenous population.

The cultural clash with the West, the lack of protection and discrimination against indigenous communities by the state, and the threat from the actions of the GAO ML by social and territorial control; has determined the risk scenario and violence generated by the expulsion from their lands and a permanent uprooting. This has meant for the indigenous people of Arauca the impairment in their quality of life, loss of governance, territorial loss and violation of human rights; factors that are reflected in repeated health problems, lack of territorial guarantees and food insecurity.

2.1 Ethnographic Approach

According to the Oxford dictionary, ***Ethnography*** means "the description of different races and cultures". The etymology of this concept comes from the Greek word *ethos* which revenues from "the characteristic spirit, moral values, ideas, beliefs and origins of a group, community or culture", and *ethnos* refers to tribes or peoples. On the other hand, the Greek word *graphy* is used to describe and write about something. Therefore, in this section of ethnographic approach the present study gives a brief description of the different indigenous peoples settled in Arauca department, its origins, culture, practices, traditions and political organization.

Arauca Department has six different indigenous peoples in its territory: Hitnu, Makaguan, Sikuani, Betoy, Inga and U'wa, who live in 27 indigenous reservations legally established in an area of 128,167 hectares and gathered in 36 communities. According to the National Bureau of Statistics (DANE), the indigenous population in Arauca consists of 5,115 inhabitants, which is equivalent to the 2% of the total population; although the updated census elaborated by indigenous communities states that they have a population of approximately 7,500.

The six indigenous peoples belong to two language families and two specific geographic areas: the Guahibo (**Hitnu, Macaguan, Sikuani**, and **Inga**) from the plain side and the Chibcha (**U'wa** and **Betoy**) from the foothills.

Following is a brief description of their origins:

Hitnu and Makaguan: The existing literature characterizes these ethnic groups together as one, although they identify themselves as different peoples. Both come from the Ele and Lipa rivers that were occupied in the first decades of the twentieth century by families from the Venezuelan plains, also known as flatlands, engaged in ranching. After 1950, the Ele and Lipa region were affected by colonization processes that occurred largely due to the exploration and exploitation of oil fields. (Franky et. Al; 2010).

Sikuani: This group is traditionally located in the plains lands of Colombia and Venezuela, the majority of their populations inhabit the departments of Vichada, Meta and Arauca. Historically these peoples belong to the regions that border with the Orinoco River; territories that were conquered by the Spanish throughout evangelization processes that date from the sixteenth century to the middle of the eighteenth century. Sikuani group were known among Spaniards as "an indomitable warrior people who had a high resistance against conquest and evangelization" (Jiménez, 2004: 9).

Inga: It is believed that this ethnic group has its origins in the great Inca Empire communities from where they arrived in the late fifteenth century to Sibundoy Valley, currently in the Department of Putumayo. Since then, they became isolated from other Quechua groups. During the conquest period they migrated to the departments of Caquetá and Nariño. Afterwards, they were forced to migrate again to other departments due to the war between Colombia and Peru in 1932. The migratory tradition has marked the life and cultural identity of these people who nowadays are dispersed among many towns and cities along the Country, where they survive by selling handicraft and musical instruments. Despite the constant relation with the whites, they still retain a high degree of social cohesion based on their culture (Franky et. al; 2010).

U'wa: This name means "intelligent people". Betoy peoples are descendants from the U´wa. They live in the Sierra Nevada del Cocuy, which is spread over three departments: Boyacá, Casanare and Arauca, places where they have the indigenous reservations. This ethnic group has maintained its ancient culture based on chants and rituals that serve as bridges of communication with different levels of the universe. They are a group with a strong and structured political organization. They have gained the respect of the other indigenous group since they have been fighting for decades against oil exploration and exploitation in their lands. The U'wa practices shifting cultivation according to the diversity of climates provided by the different thermal levels of mountains and foothills (Falchetti, 2005).

All of these indigenous peoples that inhabit Arauca Department continue to use their traditional practices of hunting, fishing, gathering fruits and horticulture through the use of bows, arrows and spears. The subsistence crops are maize, green banana and cassava; products that they previously traded but are nowadays scarce. Chickens and pigs are the

animals normally farmed in the reservations. For cultivation, indigenous communities use the "slash and burn farming system"[7] learned from the "whites". The planting is done once every year at the beginning of the rainy season as crop irrigation is not part of the culture; while summer, used to be dedicated to nomadism across their territories. However, due to a cut in their territory, to a progressive peasant colonization and an increase in private ownership, these practices cannot be carried out anymore which has had serious consequence in both, food safety and sanitation within the reservations, as will be explained later on.

In social meetings, indigenous peoples consume a fermented drink made from palm and banana, while; in spiritual ceremonies and rituals, traditionally, they use hallucinogenic power plants, such as "yopo" and "majule" which help them to contact, communicate and understand the universe, as part of their "cosmovision". This last, is highly symbolized and it is the result of the interpretation of the universe considered as the conjunction of the relationship between the environment, territory, personal historical experience and membership of a particular community.

These indigenous peoples practice different medical traditions which are based on a holistic concept of health and disease. For them, the causes of dolecians obey to the imbalance or disharmony of the spiritual world with the material one. Diseases are cured by traditional doctors "shamans" throughout medicinal plants and spiritual payments that harmonize the mind and the body.

All of the different indigenous peoples settled in Arauca have a system of authority that corresponds to an organizational structure with defined functions, procedures and hierarchies, as it is based on the figure of the "Cabildo" and "Cacique". The Cabildo is a small group of leaders -who develop as secretary, treasurer, sheriff, captain and governor- in charge of govern and be the authority within each reservation. It consist of a number of popularly elected members responsible for exert traditional law. They also serve as a guide for orientation regarding community decisions. Likewise, the Governor is the maximum indigenous political authority within the reservation and inside the Cabildo.

[7]It is an agricultural technique used for creating apt fields for cultivation by cutting and burning the forest.

Nowadays, indigenous communities in the Department have two legal associations that they can join in order to represent them before the actions and interventions of public and private sector, these are: Association of Councils and Indigenous Traditional Authorities of Arauca Department -ASCATIDAR- which is guided by the principles of "unity, land, culture and autonomy" and the Association of Cabildos and Traditional Authorities of Tame -ASOCATA- recently formed.

2.2 Legal Instruments on the Paper and Human Rights on the Ground for Indigenous Peoples

It is important to have an overview of the legal framework of indigenous peoples in Colombia, in order to understand what specific means of protection they can call upon, and whether these are warranted or not.

Colombia is a subject to both national legislation and international treaties concerning indigenous peoples´ rights. It is also worth noting that international human rights treaties bind Colombia with respect to territorial issues concerning indigenous peoples. This is due to the fact that territory is an element that goes beyond property rights and becomes a fundamental right connected, only for indigenous peoples, with the right to life, to health, and to have ethnic, social and cultural integrity (Olsen, 2008).

2.2.1 Colombia a Multicultural Country

Only in 1991 with the new National Political Constitution, Colombia recognized itself as a multiethnic and multicultural country, before this time, indigenous rights where barely named and widely ignored. In articles 7, 8, 13, 70 and 80the Constitution protects the national ethnic and cultural diversity. Likewise, the articles 286, 287, 329 and 330 recognize indigenous territorial entities with their own rules, procedures and the legitimate right of self-government.

All of these articles state the importance of ethnic minorities and the constitutional duty to protect their cultural, social and economic integrity, as well as the natural environment in which they live, for the reasons mentioned above. The Article 286 recognizes departments, districts, municipalities and indigenous territories as territorial entities, which means that indigenous territories have some degree of autonomy and are considered as a political and administrative entity. Within these Indigenous Territorial Entities (ETI), the indigenous authorities hold the rights of self-government and administrate economic resources (Political Constitution, Art:287).

The Law 115/94 regulated by the Decrees 1860/94 and 804/95, recognizes indigenous peoples as having the right to different ethnic education where community members (meanings academics, authorities and traditional organizations), exchange knowledge and experiences in order to create an educational system that matches indigenous´ culture, language, traditions, history and identity according to their own customs and uses. This is extremely important because a country that has respect for ethnic and cultural diversity must have a system that educates on the difference rather than on uniformity, i.e. an education system that allows diversity regarding methods and content of teaching.

In Colombia the range of legal instruments that protect indigenous peoples are wide. The International Labor Organization Convention 169, ratified by the Colombian Law 21 of 1991, provides that:

> "Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of this Convention shall be applied without discrimination to male and female members of these peoples" (ILO Convention No.169, 1989; Art. 3)

2.2.2 Regarding Culture and Territory

As will be explained below, the Declaration of the Rights of Indigenous Peoples and the ILO Convention No. 169, is a breakthrough in this area because unlike other human rights treaties, it moves from an individualist conception of rights -western logic in

capitalist countries- to recognize that for indigenous peoples, "the individual identity is inextricably linked to the community to which it belongs" (Olsen, 2008:6).

For instance, the ILO Convention No. 169 emphasizes, among other things, the following duties of the states:

-To protect the social, cultural, religious and spiritual needs of indigenous peoples and respect for their integrity. (Art 5)

-To consult in good faith and in an appropriate manner to indigenous peoples with respec to legislative or administrative measures which may affect them directly, especially in regard to the use, management and conservation of natural resources in their territories with the intention to achieve by indigenous peoples free, prior and an informed consent on all administrative and legislative matters that involve them or their lands. (Art 6.15)

- To recognizeself-determination as the right of indigenous peoples to decide their own priorities in terms of development and process control, to the extent possible, over their own economic, social and cultural development. (Art 7)

- To respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories. (Art 13).

Likewise, the United Nations Declaration on the Rights of Indigenous Peoples, refers in the same legal way to the articles from the ILO Convention No. 169, but also, it touches a point in the sense that states must refrain from carrying out military activities in the lands or territories of indigenous peoples, unless it is justified by a relevant public interest or otherwise freely agreed with the indigenous peoples, or when they have requested it (Art 30).Although the "relevant public interest" may open the possibility of military actions.

2.2.3 Regarding Health Care

Among the most important rules regarding health care for indigenous communities, are the following ones: Decree 1811 of 1990, Law 10 of 1990, Resolution 5078 of 1992, Law 100 of 1993 and Law 691 de 2001. All of them address and frame the issues

regarding health promoters, free health care service access, vaccination, nutritional supplements, health promotion and the importance of combining traditional methods with Western health practices. As it is regulated, the State must guarantee the right of access and participation of indigenous Peoples in the health services, in a dignified and appropriate way, observing with respect and protection the ethnic and cultural diversity of the nation (Law 691/2001, Art:1). In this sense, the implementation of the Basic Health Care Plan is free and compulsory and shall apply rigorous observance conforming to the precepts, worldview and traditional values of these peoples, ensuring their permanence, culture and community assimilation (Ibíd, Art:10).

2.2.3 Beyond the Political Constitution, Laws and Decrees

Despite the articles enshrined in the Constitution, and the various laws and decrees extolling Colombia as a multiethnic and multicultural country that aims for the protection of indigenous peoples; there has been two orders from the Constitutional Court as a follow up to the Judgment T-025 of 2004, which demonstrate the systematic violation of human rights of ethnic groups in Colombia, and particularly, in Arauca.

The Judgment T-025/2004 was decided in favor of IDP´s associations who filed the application for protection because their rights were being systematically violated by various government institutions. The vulnerability was due not only to the situation of displacement but also, because those displaced persons were specially protected under the Constitution, as ethnic minorities. This Judgment was very important due to the fact that it declared the "unconstitutional state of things" which means and it is based on:

> "(i) The massive and widespread violations of various constitutional rights that affects a significant number of people;
> (ii) The prolonged failure of the authorities in fulfilling their obligations to ensure the rights;
> (ii) The adoption of unconstitutional practices, such as the incorporation of the application for protection as part of the process to ensure the violated rights;
> (iii) The non-issuance of legislative, administrative or budget measures necessary to prevent violation of rights.
> (iv) The existence of a social problem, whose solution compromises the intervention of several entities, which requires the adoption of complex and coordinated actions and requires a level of resources for

> which a significant additional budgetary effort is needed. (Judgment T-025/2004. P:62)

Likewise, the order 004 of 2009 from the Constitutional Court, within the framework of overcoming the "unconstitutional state of things" declared in Judgment T-025 of 2004, addressed the risk of extermination of indigenous peoples in Colombia.

According to the Oxford Dictionary the word exterminate means "to destroy, in whole or in part, a race or group of people or animals." However, as Colombia entered into force, the 1st of November of 2002, to the Rome Statute it is important to consider the International Criminal Court´s definition of extermination which "includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, to bring about the destruction of part of a population. This act must be committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack. (Rome Statute of the International Criminal Court. Article 7.B.)

The Constitutional Court states the following about this risk of extermination among some of the indigenous peoples of Colombia:

> "The Colombian armed conflict threatens with the cultural or physical extermination of many indigenous peoples in the country (...) Every group/organization who has taken part in the armed conflict - mainly the guerrilla and paramilitary groups but also, at times, clearly identified units and members of the security forces and criminal groups linked to different aspects of internal conflict - participate of a complex pattern of war introduced by the force of arms within the ancestral lands of some of the indigenous peoples living in the country, this has become a certain and imminent danger to their existence, for their individual ethnic and cultural consolidation processes, and for the full enjoyment of fundamental individual and collective rights of its members.
>
> The extensive accumulation of documents that has been brought to the Constitutional Court - which is the basis for the detailed description in the appendix to this Order of the situation of the ethnic groups most affected by the severe impairment of their fundamental collective rights, of the crimes of which they have been victims as well as their relationship to the displacements as part of the monitoring process to overcoming the unconstitutional state of things declared in Judgment

> T-025 of 2004 - leaves no doubt about the bloody and systematic way in which the indigenous peoples of Colombia have been victimized by a conflict in which they have stated repeatedly to remain independent and neutral, claiming illegal armed groups to respect their lives, its collective integrity and its territories." (Order 004 of 2009, issued by the Constitutional Court. P:3)

According to the this Order the risk of extermination is due to armed conflict and can be seen from two points of view: either culturally, due to displacement and dispersal of its members and/or physically due to natural or violent death of its members (Auto 004, 2009). According to the honorable Constitutional Court, there are 165 communities, along 14 departments belonging to 34 different indigenous peoples, categorized within this state of vulnerability and risk.

Indeed, the Constitutional Court established the internal armed conflict as the principal issue that threatens indigenous physical and cultural survival, specifically due to three types of factors:

> "(i) Factors directly caused by the conflict, for example, militarization or belligerent confrontations occurring within indigenous territories, massacres, and false charges of rebellion or terrorism brought against indigenous persons;
> (ii) Factors related to the conflict but not directly caused by it, as in the cases of territorial dispossession caused by economic actors, acting illegally or legally, interested in the land's natural resources or other actors interested in the territory's strategic location;
> (iii) Factors that are aggravated by the conflict, that increase vulnerability, such as poverty." (Order 004 of 2009, issued by the Constitutional Court. P:5)

In addition, the Constitutional Court in its order 382 of 2010, indicates in equal risk of extermination the indigenous peoples of Arauca, and emphasizes the humanitarian, food and public health crises that Macaguán and Hitnu´s peoples are facing due to the absence or weakness of government agencies in the implementation of a differential approach to the protection of ethnic groups (Auto 382, 2010).

Such is the seriousness of this risk threatening indigenous cultural and physical survival that the UN Special Rapporteur on indigenous peoples considered the situation "critical

and profoundly worrying" and more over, suggested the United Nations Special Adviser on the Prevention of Genocide to visit Colombia and emphatically called the State to invite the Special Advisor in the following recommendation:

> "64. The State is urged to invite the United Nations Special Adviser on the Prevention of Genocide to monitor the situation of the indigenous communities that according to the Order 004 of the Constitutional Court, are under threat of cultural or physical extermination. The State is also urged to continue cooperating with the Office of the Prosecutor of the International Criminal Court." (Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya. 2010, P:18)

It is important to clarify that both Constitutional orders, 004/2009 and 382/2010, will be thoroughly analyzed in the light of armed conflict in Chapter III, as they help to demonstrate the double vulnerability of indigenous peoples in Arauca.

3. INDIGENOUS PEOPLES OF ARAUCA: BETWEEN THE NARROW LIMITS OF STRUCTURAL VIOLENCE AND ARMED CONFLICT VIOLENCE

3.1 Lands Historically Occupied by means of Structural Violence

Colombia emerged as an independent state in 1819, a fact that unlike in other countries, such as the United States, did not have a real impact on the transformation of economic and social colonial structures. The colonial pact, understood as the homogeneous system of colonial order, changed in form but not in substance. This was due to the regional type of economies based on the export of primary materials and natural resource exploitation. The process of colonization, after obtaining victory in the war of independence against Spain, consisted of internal colonization processes in both, wastelands spaces and in lands inhabited by ancestral communities who survived around 400 years of European invasion[8].

> "The advent of the republican form of government threatened the existence of aboriginal communities that remained, because the main Latin American legislation, based on the European doctrine of economic liberalism, ignored the principle of collective ownership of land and refused to grant legal status. This facilitated the dispossession of communal lands, either by purchase or appropriation by powerful landowners, with the result that many of the community members became tenants or laborers on the estates. As no official language was used and confused by a cash economy, the Indigenous peoples ceded, unwittingly, their land and water rights that suddenly had acquired a scarcity value." (ILO, 1953. Quoted by Gomez, 1987:I)

The region of Eastern Plains was the subject of a strong and extensive process of penetration and occupation to create cattle ranches during the nineteenth century and the first half of twentieth century. From then on, peasants who fled from "La Violencia"[9]

[8]The exploitation of the indigenous during the Spanish conquest and colonization through the "obrajes", "encomiendas", slavery and massacres, as well as the process ofmiscegenation and the diseases brought by Europeans; resulted in an overwhelming decline of the indigenous population in the Eastern Plains. According to estimated figures, the Pre-hispanic population, XV century, consisted of 256,750 indigenous while the year of 1778 had a population of about 15,189 indigenous. (Rausch, 1984: 35, 36)

[9] "La Violencia" is the name given in Colombian history to the period of bipartisan confrontation between the Liberal and Conservative parties, triggered by the magnicide of the liberal leader, Jorge

joined the colonization process and afterwards, all the workers, manpower and institutional officers that arrived with the discovery of oil wells.

By the years 1824 to 1846 Arauca department was part of the Casanare province and by that time the granting and titling of wastelands was state policy –although indigenous peoples inhabited them- with the aim of "promoting immigration", "promoting colonization and settlements", "promoting colonization and civilization of savage peoples", "civilizing indigenous peoples", "reducing wild Indians", "giving land to people from Casanare" and "distributing wasteland among military" among others. (According to Wastelands Delivered for Immigration and Inner Population on the Plains, 1823-1878. Shown in Gomez, 1987. Annex II). The land grabbing, occupation and titling of indigenous territories to settlers was the trigger for the inter-ethnic conflict, along with the legislative order in 1870 which declared the dissolution of indigenous reservations. The legal measure was highly convenient for settlers and ranchers, and highly detrimental to the survival and welfare of indigenous groups.

This migration phenomenon lacked of supporting and monitoring from state institutions due to an absence of political, social and economic articulation of the nascent republic with peripheral territories. This resulted in systematic clashes between settlers and indigenous peoples who disputed the land and its resources owing to opposing views on land tenure.

The cattle introduced by the Spanish, descended from the Iberian and North Africa breeds, became the primary source of economy of the settlers and ranchers who recently arrived to the region. Livestock breeds adapted easily to the warm and tropical climate from the Eastern Plains, which facilitated in the 19th century the raising and

---

Eliécer Gaitán, occurred in 1948. It lasted approximately until the early 1960´s with the pact subscribed, known as the "National Front" that consisted on the alternation in power of the two political parties and the parity in the share of the burocracy. La Violencia left more than 300,000 dead people, mainly in rural areas and it was sponsored by the presidents Laureano Gomez, Ospina Pérez and Rojas Pinilla. As a result, the migration and colonization process from the center of the country to the eastern plains was intensified, during the decades of 1950s and 1960s. Peasant families were forced to leave their homelands and "seek luck" elsewhere. In this context of partisan political violence, persecution and uprooting; farmers organized armed resistance groups, known as "the liberal guerrillas from the Plains" leaded by Guadalupe Salcedo. Elements of political homogeneity, the lack of state tentacles in the periphery and the proximity to Venezuela provided a favorable space for the consolidation of guerrilla groups.

multiplication of cattle and its spread throughout the region. For extensive livestock breeding, the cutting and burning of forest areas from the foothills to the savannah was necessary. Spanish colonization and, afterwards, the regional colonization were made over the economic, social, cultural and also ecological sphere. So it is possible to speak about ecological colonization as the change in the conception, occupation and domination of nature. This led to a dramatic transformation in the vegetation and ecosystems needed for the survival of ethnic groups.

Ranching by landowners decreased, in the long-term, the existence of wildlife due to the transformation of jungles to vast savannas suitable for growth and fattening cattle. This reduction of plant biomass had a negative impact on the staple diet of indigenous groups, used to hunting animal protein and gathering fruits in the jungle.

> "With the advent of colonization the Guahibos tried to avoid the inconveniences caused by the cattle, for example, they look for land to emigrate if the tension was unbearable, but they did not anticipate that the areas occupied by the settlers would be hopelessly out of their scope in the future by having an economic value; firstly, because they trusted in the infinite availability of wastelands, and secondly, because the land (...) was not a good of transaction" (Reyes, 1973: Quoted by Gomez, 1987:221).

The large number of cattle that entered the region and the land occupation under the conception of private property competed directly with the place inhabited by ethnic groups. The land grabbing and the occupation of territory based on private property was an impediment for the development of nomadic activities of ethnics group who needed free mobility for their survival and reproduction. Mobility depended on winter and summer periods. This forced the nomadic groups to settle in ever smaller territories and to transform their social and economic patterns for ones related to sedentary practices, or else, they would be condemned to disappear.

The colonization process quickened occupying territories of indigenous groups which they used for hunting and fishing practices. The entrance of new settlers and cattle meant competition for inhabiting the territory, but also in the use of biomass resources over it. This was a threat for the indigenous groups who began to destroy the herds and

kill or steal the cattle. These facts provoked the wrath of the settlers who started calling indigenous "savages", "irrational", "dangerous", “thieves” and “plague”.

> "The most worrying events that have alarmed neighbors in Cravo and neighbors living around the Casanare and Meta Rivers are the frequent attacks by Indians that for use five or six cattle left seriously injured the whole herds and also the threats they use against “rational” that ply those rivers.” (Informe,1911. Quoted by Gomez, 1987: 257).

The theft and killing of livestock by the indigenous groups were not irrational and savage acts as settlers and ranchers believed. On the contrary, these acts can be analyzed within a logic that allows three different reasons: Firstly, there is no private property in indigenous culture regarding the ownership of land, water and animals to eat. Therefore, within the indigenous understanding stealing cattle does not mean a bad practice, because for them, cattle belong to no one. Secondly, cattle killing were for indigenous peoples a survival strategy because to create cattle ranches it was necessary to destroy wildlife where animal and plant biomass was found, which was consumed by the indigenous. Thirdly, the decline in animal biomass, due to the cutting and burning of forests, was replaced by the consumption of livestock.

To this chain of inter-ethnic conflicts, the lack of State presence to impose measures of social control and the identification of indigenous peoples as "wild", "irrational", and "dangerous", was added the interiorization of native hunting, also called “Guahibadas”, as a common practice within the Eastern Plains´ culture. Indeed, settlers, ranchers and herd managers, who called themselves "rational" started to hunt "irrational and uncivilized" indigenous groups in the same way that they used to hunt animals. Local authorities were also participants of this human hunting.

Here are four excerpts from testimony on eyewitness of native hunting:

> "(...) In the same year, 1870, the settler Pedro del Carmen Gutierrez, in the name of friendship, invited 250 Indians to have dinner at his estate. Gutierrez, in association with his friends killed, over lunch, 243 of the native guests. Since then, the provision of food, clothing and other goods were used as one of the strategies of settlers for the extermination of natives.” (Gamma IV Press, 1973. Quoted by Gomez, 1987: 254)

> "The civilized, often led by the commissioner, i.e., the very authority of the Republic, fall suddenly upon the Indians and without further explanation or clarification riddled them with bullets, often only the more agile ones can escape and the rest that they [the settlers] call barbaric criminals, die. With spears they [the settlers] kill women and children who could not flee. Afterwards (...) they [the settlers] return to their homes satisfied by having cleaned the savannah with the secured impunity by the indifference or complicity of those called to protect the life and safety of our homeless Indians." (Oficio, 1912, T. 702. Quoted by Gomez, 1987:259)

Political and military authorities were also part of this regional practice of native hunt, as it was affirmed by a cook of the Colombia Navy who lived for more than 15 years in the Eastern Plains:

> "(...) Killing Indians was a game, something natural. Everyone did it, the sailors of this boat (Navy´s boat) too. Not many years ago it was a kind of sport. Nowadays it is also practiced." (Gamma IV Press, 1973. Quoted by Gomez, 1987: 271)

Nonetheless, none of these testimonies are as emblematic as the ones from the "La Rubiera" massacre:

> "It was in a border place of Colombia and Venezuela. Not long time ago an Indian tribe lived there. One afternoon, unknown day, for some judges the 26th and for other the 27th of December of 1967, cowboys from the region killed a number of Indians much discussed: sixteen (16) according to the perpetrators (...) the scene was in La Rubiera, they cowboys invited the Indians to eat, while they were eating, they [the cowboys] killed them. Indians were attacked with clubs and knives, and they were trying to flee, they [the cowboys] opened fire with shotguns and revolvers. Next day their bodies were dragged by mules several hundred meters and cremated, and his remains were scrambled with cattle and pigs bones." (Quoted by Gomez, 1987: 276)

Indeed, during the massacre sixteen indigenous were killed including children, women and adults. However, eighteen indigenous had been invited to the feast; two of them managed to escape and told the authorities what had happened. After the facts were investigated, the perpetrators accepted the crime and recreated the slaughter scene in great detail, (read Luis Enrique Morin full testimony in Annex III, taken from Gomez, 1987). During declarations, the perpetrators assured that they "did not know that killing

Indians was a bad thing". They were released of any charges by a judge's acquittal in Villavicencio.

Apart from titling indigenous territories as wastelands, killing them and pressing them with ranching and cattle, there was another way to deprive the natives from their lands. It was the prepayment in advance system. The purpose was to indebt the indigenous groups by way of giving them –as an advance payment- seeds, tools and utensils to sow their territory and at the time of the harvest, indigenous had to give it almost entirely as a fee for the debt. Finally, the natives were expropriated to pay the full amount of the debt. In this sense, the settlers and ranchers were increasing their properties at the expense of the natives (Colombia Nunca Mas).

The native hunt, indigenous exploitation, land disputes, indigenous inability to move freely through their territories – which affected the diet, survival and reproduction of these groups- were situations that had a direct impact on reducing the indigenous population census. This occurred with the complicity of the Colombian State which did not prevent the systematic reproduction of these genocidal actions and accepted, by action and/or default in its duty of protecting, the perpetuation of an economic and a social organization system, which acted with relative autonomy, based on the extermination of aboriginal groups.

> "(…) this trend in the reduction of native populations all across Colombia is confirmed in Casanare, which in the year 1825 registered (...) a total of 89.048 aborigines, i.e. 44% of the native population of the country. In the year 1898 there were only 28,700 Indians in the territory of Casanare, equal to 18% of the Colombian indigenous population, which means that over a period of 73 years, 68 of every 100 indigenous died." (Dane, 1975, pp. 37, 113, 114. Quoted by Gomez, 1987:105)

3.2 Indigenous Territory in the Eye of the Oil Boom

> "In our world, we do not occupy or possess a territory, but we are an integral part of it; we are just one of its elements" (Indigenous Audience, 2008)

The search for oil fields in the Eastern Plains began in the 1940s with the partnership agreement between the Colombian state (through ECOPETROL) and the risk foreign capital and technology. This allowed the entrance of the following multinationals companies to the region with hydrocarbon exploration purposes: Occidental, Repsol, Shell, British Petroleum, Triton, Chevron and Ecopetrol, as lead partner.

In Arauca Department, as explained in the previous segment, the Colombian State was absent for more than a century. It was only with the arrival of multinationals companies to the Department when a weak state started to have presence mainly through a significant increase in policy and military force to guard the oil infrastructure[10]. In 1959 the oil exploration began in the municipalities of Puerto Rondón and Tame. In 1980 two more wells were drilled in Arauca and Saravena. All of them had a modest production of barrels per year.

In 1983, the well of Caño Limón was discovered. This well produces 1,200 million barrels, the highest quantity ever taken from a Colombian oil field. Arauca Department contributed around 35% of the total oil produced by the country and about 15 points of the GDP, between 1987 and 2000. This enabled the country to be self-sufficient and a net exporter of crude (Arcoirirs, 2012). Subsequently, other wells were discovered, such as “La Yuca” and “Matanegra”.

Currently there are six blocks with oil production areas: Arauca, Cosecha, Chipiron, Cravo Norte, Puerto Rondón, and twelve exploration areas, which mean that almost the whole Department is under multinational concession[11]. Paradoxically, 25 years of

[10] The 22,000 members of the security forces in the Department of Arauca make it the most militarized country in number of soldiers per square kilometer and in number of soldiers in relation to population. Available at:http://www.arcoiris.com.co/2012/07/arauca-amanece-con-paro-armado/

[11] Instituto Geográfico Agustín Codazzi, 2012. Unidad Administrativa Especial del Sistema de Parques Nacionales Naturales, Instituto de Investigación de Recursos Biológicos Alexander von Humboldt, Ministerio de Ambiente y Desarrollo Territorial, Ministerio del Interior, INVEMAR. At:

royalties have not been enough to show substantial development in the Department, for instance, Cravo Norte has not even a paved road to connect it with Arauca or any other municipality, not to speak of the unmet basic needs (UBN) of its inhabitants.

3.2.1 The Guahibo Case: Peoples that Disappear as their Lagoon

Through the 0028 Agreement of 1976, the government declared a forest reserve area and wildlife sanctuary The Lipa´s jungle and lagoon located in Arauca and Arauquita. This was a holy place of cosmic space and of spiritual and cultural reproduction for the Guahibo people. But as soon as the Caño Limón oil potential was discovered, INDERENA[12], by the 0052 Agreement, subtracted the category of "sanctuary" to make way for oil exploitation by Occidental, giving to this multinational 100,000 acres that included all of the wetlands of the Lipa. Currently, the Lipa lagoon has retreated more than four miles, the water is contaminated as a result of routine and accidental spills, and is estimated to have lost more than 50,000 acres of wetlands inhabited by fish, amphibians, reptiles, birds and mammals; the main source of indigenous feeding diet (Ramiro and Chaparro, 2006).

> "The Lipa Lagoon was the pantry and central place of ceremony and gathering of indigenous peoples of Arauca. Because of the Caño Limón pipeline, the lagoon dried up. The wildlife was lost and communities began a social and cultural gradual decline" (Calvo, Mahecha y Colino; 2010. Quoted by Perez, 2012)

After 20 years of oil industry, the Makaguan lost 75% of their territory and the Hitnu lost 95% (Roa, 2012). The loss of land meant for these peoples spiritual and cultural dismemberment. Likewise, they could not continue with their hunting, fishing and gathering activities of livelihood. The sum of these events is reflected in serious problems of alcoholism, use of psychoactive drugs, prostitution, high rates of malnutrition and the physical and cultural extermination of both groups.

> "The main causes of the vulnerability of indigenous people are multinationals. The mastermind behind the crime are the

http://www.anh.gov.co/media/asignacionAreas/2m_tierras_220812_2.pdf

[12]INDERENA was a state Institution responsible for the conservation and use of natural resources in Colombia. This institution was over in 1993 to make way for the Ministry of Environment.

> multinationals and the State is the perpetrator or accomplice, because that is why the indigenous are in those poor conditions, look at the case of Caño Limón oil company with the Pacific Rubiales. The conjugation between political and economic power, the political power is the State and the multinationals are the economic power, the two of them form a unit. They attack us from on one side and from the other. Look to the Hitnu people, while the orders from the Constitutional Court talk about protecting the cultures, the oil projects still there, running." (Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

3.2.2 The U'wa Case: An Emblematic Case of Prior Consultation

On the other hand, there is the U'wa case which is about an ethnic group that due to strong traditional governance and by being organized under the representation of indigenous associations, such as ASCATIDAR and ASOUWA, were able to deny the entrance, in 1995, of Occidental and Shell in their territory.

> "I have not heard anyone saying that won a fight against the OXI [Occidental Petroleum Corporation] -and we, the U´wa people, did it. We regain virgin mountains that produce oxygen and pure waters that wash the floors. We did this not only for us but also for Arauca, for Colombia and for Venezuela, country with which we share part of the mountains." (Interview with Ismael Uncasia, Indigenous leader and ASCATIDAR President, 2012)

This occurred even though there was a contract signed between these multinationals and the Colombian State in order to develop exploration activities in the Samoré block. The U'wa people, located in the departments of Arauca, Boyacá, Santander and Norte de Santander, refused to start prior consultation believing that a decision, with which they disagree, had already been made on their behalf. The fact that they did not accept to be part of prior consultation stopped the progress of the oil project.

As a form of pressure, about 5,000 indigenous threatened to commit suicide if the Colombian government and the oil multinationals enter their territories (Sejre, 2003:108), they also: filed a petition for protection through the Ombudsman's Office, filed a formal complaint before the ILO, sued the Colombian State before the Inter-

American Commission of Human Rights and before the Office in Colombia of the High Commissioner of the United Nations for Human Rights.

Both cases allow opening a discussion on: ¿how the exploitation of natural resources threatens the life, dignity and land rights of indigenous communities historically displaced from the places they inhabit?, also if ¿Is it real in practice the indigenous right to set their own development and management over the natural resources of their territory within a prior consultation process that only allows "yes" as an answer to oil extraction projects?, or even ¿Is it fair to speak about intercultural dialogue, consultation and negotiation within a prior consultation process, when one of the parties does not understand the rules of the game? And finally to question ¿How truthful and fair a negotiation can be when one of the parties involved in a prior consultation process lives under extreme necessity conditions?

The above are questions that will not be addressed in this research study but are raised for reflection in order to demonstrate that indigenous peoples who do not have strong traditional authorities, representative organization and a well-built self-governance systems; are extremely vulnerable and are diminished in their negotiations skills, on which depend their stay in the territory, and thus, in prevention of their physical and/or cultural extermination.

3.3 Armed Conflict Violence: Risks and Threats

The indigenous double vulnerability as a result of being victims of historical structural violence (partly mentioned in the previous section) and violence by armed conflict (which will be explained further on this section) have led to the scenarios of risks and threats which have put indigenous communities at the edge of cultural and physical extermination.

During the last decade the armed confrontation between the different actors involved in the conflict has deepened the humanitarian crisis of indigenous peoples in Arauca Department. This situation has been evidenced in serious violations to IHL and DDHH.

Factors of social vulnerability and threats to indigenous communities are derived from the actions of legal and illegal armed groups.

This has determined the risks and the violent actions of which the indigenous groups are victims of, having as a result in most cases the expulsion from their territories and a permanent uprooting. While the humanitarian crisis as well as the armed confrontations worsens every day, the State's efforts are limited to the military and police fields, ignoring the importance of measures regarding the accompaniment, prevention and protection for this population.

As mentioned in the legal framework, the Sentence T-025 from the Constitutional Court and the follow-up orders such as 004 and 382, demonstrate the way in which indigenous peoples have been victims of the armed conflict. This although they have stated several times that they remain neutral regarding the actors, and have no desire to be involved in it and the need for armed actors to respect their lives, territories and collective rights. However, their claims have not been heard by the GAO ML and by the Colombian State. The State has not been capable of protecting indigenous communities and moreover it has perpetrated preexisting structural situations of extreme poverty and institutional abandonment.

The Order 004 of 2009 has clearly identified three categories by which indigenous peoples are been affected within the armed conflict which constitute the main violations to IHL and DDHH:

1. The armed confrontations that take place in indigenous territories without actively involving indigenous communities and their members, but directly affecting them.
2. Military processes that actively involve indigenous peoples and communities and their individual members in the armed conflict.
3. Territorial and socioeconomic processes related to the armed conflict affecting their ancestral lands and traditional cultures.

Each of these categories cluster various situations which daily victimized indigenous peoples in Colombia, but moreover in Arauca as one of the Departments that suffer the most the consequences of armed conflict.

Categories		
1	**2**	**3**
• Presence of illegal armed groups in indigenous territories, leading to a strong militarization of the area by the security forces. • Armed confrontations in indigenous territories between illegal and legal armed groups. • Occupation of sacred sites by illegal and legal armed groups. • Military bases in indigenous territories without a prior consultation. • Presence of MAP / UXO in indigenous territories.	• Indigenous accused individually and collectively of belonging to the opposite side or being "collaborators" of the enemy, which often results in disappearances, threats and murders. • Selective murders of indigenous leaders and traditional authorities in order to displace or intimidate the communities, usually the murders are due to reports of crimes or claiming their rights. • Harassment and persecution. • Confinement of communities either by confrontations between groups, by presence of APM/UXO or by express orders not to be mobilized, which prevents the indigenous to go hunting and gathering and generates food insecurity. • Controls on the mobility of people, food and medicines. • Disrespect for indigenous traditional authorities by armed groups. • Establishment of regulations and codes of conduct imposed by illegal and legal groups which not correspond with the indigenous culture. • Forced recruitment of children, youth and community members. • Theft of property from community livelihoods. • Sexual violence and exploitation of indigenous girls and women as a strategy of war. • Temporary occupation of community buildings. • Use of indigenous communities as human shields.	• Indigenous territorial dispossession by illegal and legal actors with economic interests, especially on natural resources. • Development of legal economic activities (exploitation of natural resources, planting of monocultures, etc.) or illegal (coca crops by GAO ML) in indigenous territories. • Fumigation of illicit crops without prior consultation which affects indigenous communities´ health generating respiratory and dermatological problems, and also contaminating food, domestic animals and water sources.

Source: Order 004 of 2009, from the Constitutional Court.

The Sentence T-025 declared an “unconstitutional status of things” to people displaced by armed conflict, which means that there is a failure of several authorities and institutions to adopt measures that aim to ensure their constitutional rights. However, both the Sentence and the following orders, which referred only to the indigenous population, are framed under the violence produced by armed conflict but not by structural violence. Nevertheless, by reading carefully this legislation it is possible to find some extracts that evidence the existence of structural violence over the indigenous people, particularly over the ones located in Arauca Department:

Abstracts	**Points to Highlight**
"The precarious land titling (...) is a factor that facilitates the widely dispossession and territorial invasion of indigenous lands (...) affecting sacred places of ethnic groups, which has a destructive impact on cultural structures." (004 of 2009: 8)	• Historically precarious land titling a State responsibility.
"Colombia already had had several indigenous peoples at risk of extinction due to socioeconomic factors, but nowadays the armed conflict has introduced several new peoples in the list of those that face this risk, generating emergencies that have not received an answer from the State according to the seriousness of the facts”. (Auto 004 de 2009:11)	• Colombia had had several indigenous peoples at risk of extermination even before the conflict started to affect them.
"In the absence of attention, several displaced families have returned without guarantees of security, dignity and accompaniment by the authorities to their villages and lands from which they were expelled, in many cases, without even declared their displacement due to institutional inattention observed in different municipalities given the indolence of local and national authorities.” (Autos 382 de 2010:21)	• Absence of institutional attention. • Unaccompanied returns. • Indolence of local and national authorities.
"The weaknesses found by this supervisory authority and the clear abandonment in every field by the State institutions at Arauca Department, permit to conclude the persistence of the “unconstitutional status of things” in this region of the country, and also to affirm that this “status of things” is exacerbated by the continuing risk with which indigenous communities live (...) " (Auto 382 de 2010:22)	• Clear abandonment in every field by State institutions.

"The failure of the national, departmental and Local authorities to implement the following orders: 092 and 251 of 2008, and the 004, 006, 007 and 008 of 2009 (...) can be seen in the situation of the Hitnu community which was observed by this supervisory authority [General Attorney of the Nation] (...) This community has suffered from a systematic process of reducing their population, evident in the fact that a generation has almost entirely disappeared (...) For the General's Attorney Office, the observed serious violations to Human Rights and International Humanitarian Law occur regularly in Arauca department, accompanied by a structural apathy from the State institutions, for which it is required to adopt urgent and concrete political, judicial and administrative measures that allow to mitigate the damage that has been caused to the indigenous communities that inhabit that territory and prevent such situations continuing to occur; otherwise, the persistence of "unconstitutional status of things" in the field of forced displacement in that region will become untenable and unbeatable" (Auto 382 de 2010:22)	• Failure in several times and from various institutions to comply orders issued by different authorities. • Structural apathy. • The disappearance of that Hitnu generation dates since the delivery of the Lipa Lagoon to the Occidental company. • No concrete political, judicial and administrative measures have been implemented up to date.
"Another additional factor of vital importance for the analysis of the humanitarian crisis faced by indigenous communities in the Department is the apparent lack of attention and lack of interest among the local, departmental and national to guarantee the full enjoyment of the rights of indigenous communities displaced from La Esperanza, Iguanito and Caño Claro." (Auto 382 de 2010:22)	• Although there is a manifested humanitarian crisis in several indigenous communities in Arauca, the lack of attention and interest on these communities persists.

The facts and events mentioned throughout this chapter regarding the violent appropiation of indigenous lands, along with the above quoted abstracts from the Constitutional Court orders, 004 and 382, show a secular exercise of structural violence which has been implied from the jurisprudence but never officially recognized. This added to the disproportionate affectation that the armed conflict has had on the indigenous people of Arauca, particularly in terms of the different categories here explained, are the main cause of the dramatic humanitarian situation currently faced by these peoples. A humanitarian situation that has put these ancestral groups at an imminent risk of physical and cultural extermination, in the immediate future.

4. HUMANITARIAN SITUATION: AN ALARMING CRISIS[13]

This chapter discusses the humanitarian situation under security, cultural, environmental and social issues faced by indigenous communities in everyday life as consequence of both structural violence and the ongoing armed conflict violence, along with the indifference of the Colombian society versus what remains of indigenous peoples in Arauca, descendants of the original inhabitants of Colombia. The humanitarian crisis among indigenous peoples in Arauca will be presented considering the following points: displacement; presence of APM/ ERW and confinement; housing and basic sanitation; ethno-education; and food insecurity, nutrition and health.

4.1 Displacement

The displacement of indigenous communities has been of three types: massive displacement; progressive displacement of families; or itinerant displacement to rural villages, municipalities or between indigenous reservations. The large numbers of displaced communities are due to the importance that indigenous territories have for been located in military strategic positions, for having natural resources beneath their territories, and for the long distance between indigenous reservations and urban centers.

Indigenous Reservations Entirely Displaced	Year
Julieros	2003
Velasqueros	2003
Roqueros	2003
Parreros	2003
Genareros	2003
Caño Claro	2007
La Esperanza	2007
Iguanitos	2007
Canánama	2009
Cuiloto Marrero	2009

Source: Report of violations to Human Rights and International Humanitarian Law presented by ASCATIDAR in the VII Peoples Ancestral Congress of Arauca Department, August 25 of 2012.

[13] The interviews quoted in this section were carried out by the author and their full transcriptions are available upon request..

This table show that at least 35% of the indigenous reservations have been entirely displaced in less than 10 years plus the imminent risk of displacement of the Hitnu communities located in San Jose del Lipa (Resolution 001 of 2009), without mentioning family displacements that have occurred in almost in all the indigenous reservations but are barely documented. Displaced peoples suffered a loss of their culture, especially children and youth, due to the abrupt cultural differences between the places of expulsion –indigenous rural reservations- and of reception –improvise reservations near urban areas.

> "The loss of cultural due to displacement or territorial cuts generates a precarious food security and poverty of the traditional family economy which has led to the expulsion of children, from five or six years old, of their families to beg on the streets of Arauca. In the streets are victims of abandon, sexual abuse in girls, hunger, abuse and various outrages that undermine the dignity and self-esteem as human beings.
>
> The abuse and abandon of children product of family dissolution as result of displacement, coupled with the loss of values and respect for ancestral authority, are generating the permanence and semi-permanence of indigenous children of second childhood and youth, on the streets of the city of Arauca and to a high degree, of dependence on psychoactive substances such as alcoholism, inhalation of boxer, gasoline, marijuana and crack-cocaine, among other stimulants.
>
> The universe of this population of children and adolescents addicted to boxer reach a figure close to 80 permanent consumer children and the potential population at risk reaches a figure close to the 300 boys, girls and adolescents." (Municipal Development Plan 2012-2015: 99)

Other consequences of forced displacement can be seen in a break of the social fabric, deepening of the pre-existing poverty situation among families and communities, and an increase in the exposure to risks and preventable hazards. When moving to urban centers, children are more likely to become victims of labor exploitation and begging. In this vein, problems of hunger, malnutrition, use of psychoactive substances and alcoholism are highly exacerbated.

4. 2 Presence of APM/ERW and Confinement

Although Colombia is a state party to the Ottawa Convention, it is not to Protocol V of the Convention on Certain Conventional Weapons, which establishes regulations for the management of explosive remnants of war (ERW). This means that the National Government is not responsible for the cleanliness of grenades, mortar heads and other items left behind after combat and armed confrontations. To this is added the constant use of Antipersonnel Mines by different GAO ML, which presents a risk scenario for indigenous and peasant communities who are the most affected due to live if rural areas where combats take place and the GAO ML are settled.

These photos were taken by the author of this study. Arauca Colombia 2012[14]

In 2009, Colombia, with 674 victims, was after Afghanistan with 859, the country with the highest number of casualties of mines, cluster munition remnants and other explosive remnants of war, in the world (Landmine and Cluster Munition Monitor, 2009)[15].

According to the statistics contained in the information management system of the Presidential Program for Comprehensive Action against Antipersonnel Mines

[14] The paintings were made by students in the CEIN of Cusay La Colorada and Betoy, during a workshop on prevention of accidents caused by MAP/MUSE.

[15] Figures taken from the Landmine and Cluster Munition Monitor. Available at: http://www.the-monitor.org/index.php/publications/display?url=lm/2010/es/Casualties_and_Victim_Assistance.html

(PAICMA), in 2011, a total of 538 landmine victims were reported in Colombia[16]. This means that on average, there was more than a victim of these devices per day.

In the period 1990 - December 31 of 2012, there were a total of 10,160 victims by MAP/MUSE of which 38% (3,877) were civilians. Of the 32 departments and 1,123 municipalities that integrate the territory of Colombia, Arauca Department was the second in the country with the highest accident rate, after Antioquia. Furthermore, Tame was, in the same period, the first municipality with the highest number of victims. As if these figures were not already enough, it is worth noting that Tame is the municipalities with the highest number of indigenous reservations of Arauca Department and according to PAICMA, 98% of accidents occur precisely in rural areas.[17]

> "The GAO ML generate violence, sometimes in collusion with state policies and with landowners who have been taking over indigenous land. Also the fact of using their territories as arenas of confrontation and the fact that fields are planted with antipersonnel mines, reduces the living conditions of these communities, exposed them to continuous accidents but even more, when communities are gatherer-hunters which limits their food security. For example, here in Arauca, the Hitnu people are starving because illegal groups have been denied them, by the mining of their territories, the possibility of "mariscar" as they call the activity of hunting and gathering." (Interview with Father Deison, Regional Advisor for the Early Warning System of the Ombudsman and Director of Caritas Arauca, 2012)

For being indigenous territories highly militarized, the region is littered with landmines (Jimenez, 2012) which indiscriminately affect ethnic groups. This situation has forced indigenous peoples to confinement or displacement. Although there have been many minefields removed by the security forces, there are still many that remain active nowadays in indigenous areas, as for instance in San Jose de Lipa and in Betoyes´ sector, this last located in Tame, exacerbating the conditions of risk and vulnerability in sensitive areas such as food security, based on hunting, fishing and gathering, which leads to malnutrition.

[16] PAICMA figures. Available at: http://www.accioncontraminas.gov.co/Paginas/victimas.aspx
[17] Ibid.

Confinement either by express order of armed groups or by presence of APM prevents free mobility which also restricts the right to entertainment and sport among the population and specially among children.

> "The spaces of the population have been affected by the armed conflict that threatens the lives of those living in the surrounding area, such was the case with the placement of landmines and occupation of school infrastructure in the Lipa Jungle, where the most affected are children and youth. Hence, other spaces should be opened to enable young people, use the free time in sporting activities, in this case football. They receive and tools not only for his life but for his community, with concrete action towards building peace from the cohesion of social groups that are part of the communities, which increases confidence, self-esteem and integration."(UNCHR Report, 2010)

4. 3 Housing and Basic Sanitation

The characteristics of housing in indigenous communities are very different from the ones in the West. Indigenous peoples in Arauca Department live in houses made of palm leaf roof, a well-worn earthen floor and most have no walls. The constructions are high because they are designed to build a kind of second floor where they sleep on mats of palm. At the bottom are hammocks, also called "chinchorros". On the earthen floor is where food is prepared, using woods and branches for combustion over which they put stones and over the stones the pots are placed. The design of such housing prevents contact with snakes, rats and other vermin. Public services are non-existent. Indigenous reservations have no safe water, sewage or electricity.

These photos were taken by the author of this study. Arauca Colombia 2012

A lack of understanding of the indigenous culture is denoted among institutions and actors. For instance, one of them affirms that indigenous groups due to "their culture and idiosyncrasies, live in unsanitary conditions" (Special Administrative Health Unit of Arauca, UAESA, Report of Pertussis outbreak, 2009:4). However, the problem of insanitary conditions in indigenous reservations is recent and it is not part of their culture neither of their idiosyncrasy. Actually, the unsanitary problem is directly related to the process of sedentary practices that they have been forced to live in.

> "(..)For instance, for Hitnu and Sikuani people who were historically gatherers and hunters, housing was not a fundamental aspect that determines the dignity of these people but it was a crossing site or a rotary place; then, homes were not settled or linked to a specific site. It is as such, only nowadays due to the fact that their territory has been reduced (...) [As a result] these homes begin to have problems with the presence of vectors, chagas and insanity owing to the settlement in one single place, i.e. this issue has become complicated but for not the housing itself, but because turning nomadic people into sedentary, inevitably ends up in a factor of risk regarding this type of housing (Interview with Carlos David Rodriguez, Community Ombudsman for Indigenous in Arauca, 2012)

Indeed, indigenous peoples are used to urinating and defecating in nature and in their culture it is not a practice to bury excrements. 91% of indigenous families make their physiological needs –defecate/urinate- in open fields, many of them close to settlements and water sources such as rivers and streams. Only 4% have toilet connected to a septic tank, 3% use latrine and 1% have discharge toilet outdoors (ESE Moreno y Clavijo, 2011:155). This was never a problem because their territories were vast and the ethnic groups maintained a constant rotation. However, with the forced sedentarization process, which was not accompanied with educational programs on basic sanitation, the subject of excrements began to become a problem within the indigenous reservations.

Likewise, it has been the situation with solid disposals generated by the consumption of products (plastic bags, glass and cans), which has been worsening as a result of the food kits delivered by humanitarian organization and the Department for Social Prosperity (DPS) to recently displaced communities due to the fact that 93.4% of the families thrown the disposals directly to the floor, 3.5% use containers with lid, 2.8% deposit trash in plastic bags and 0.4% use sacks. As for the final disposal, 68% are thrown into open fields near the reservations and 25% are burned (ESE Moreno y Clavijo 2011:157). This was also not a problem in the recent past as indigenous communities used to consume only the food and derivates obtained from gathering and hunting, reason for which disposals where completely organic and one with nature.

> "Although we cannot demand that indigenous people have a house like ours, their houses are in subhuman conditions. One might say that there are better living conditions in the stables and in pens that are for livestock than in the indigenous houses (...) There is a serious threat to communities by chagas, this small animal, which is the "pito" that constantly attacks and live in the palm leaf roof of their houses." (Interview with Father Deison, Regional Advisor for the Early Warning System of the Ombudsman and Director of Caritas Arauca, 2012)

As Deison Father pointed out, the thatched roof facilitates nesting of the "Pito", whose scientific name is Trypanosoma cruzi which is the insect that transmits Chagas disease. Chagas is silent and can take several years before it manifests, but if it is not treated in time it causes irreversible heart, digestive or neurological damages and in half of the cases causes death.

This disease affects a large percentage of the indigenous population of Arauca Department. In the indigenous reservation of Genaneros, 97 blood samples were taken from children between 9 months to 18 years, of which 11 were positive for Chagas (MSF, 2010), i.e. in this reservation, 1 in every 10 children had chagas at the time of the testing. By 2012, 150 of the 550 indigenous from the Hitnu community suffer from Chagas disease and, to make matters worse, illegal armed groups, specifically, the FARC prevent the access to the authorities for healthcare assistance (Jimenez, 2012).

Another important issue that should be highlighted is the depleting of the natural resources, such as palms and timber trees, as a consequence of the settling of indigenous communities in one single place in where rotation is impossible due to the lack of territory. The depletion of timber trees and palms is certainly a problem for these communities, since they use the wood for cooking and the palm for building houses, roofs, and for the extraction of "Vinete"[18]. The food kits delivered by humanitarian organizations and the DPS include provision of beans and lentils that require long hours of cooking and do not correspond to the traditional indigenous diet.

Photo taken by the author of this study. Tame –Arauca, Colombia 2012

[18] Vinete is a kind of wine made from the liquid of the heart of the palm which after extracting it, it is fermented. The Vinete is consumed by almost the whole community, men and women alike, except from pregnant women, and children. Drinking Vinete, is a cultural practice for recreational activities and through which community members discern between them and solve problems.

4.4 Ethno-education

Arauca department has four Indigenous Education Centers (CEINs) which are based on an ethno-educational model, with autonomy and have been created to bring together the various indigenous groups according to their ethnicity. The CEINs were designed with the aim of providing an education that corresponds to their characteristics and cultural parameters. The ethno-educational model was set up in order to implement an educational curriculum that strengthens the culture, identity, traditional governance and traditional livelihoods on which the indigenous life style is based. However, the lack of ethno-educators and of pre-established indigenous curricula, the lower quality of education and the interruption of institutional supplies are some of the problems that have impeded the achievement of this purpose.

> "Here in Arauca there is a big vacuum in this area because there are not many ethno-educators and most teachers serving indigenous communities are western settlers with Western thinking and unfortunately that weakens indigenous cultures. Then there is a deficit in ethno-educators but also the education offered is not what the indigenous culture requires as such." (Interview with Father Deison, Regional Advisor for the Early Warning System of the Ombudsman and Director of Caritas Arauca, 2012)

To this respect the principal of an Indigenous Education Center (CEIN) adds:

> "There is still a long way to go regarding the quality of the indigenous educational models, the plans, the curriculum in order to achieve strengthening own culture, identity, values, governance and production systems." (Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

Indeed, in practice, this model enshrined in the Constitution of 1991 has not been implemented seriously reason for which it has many flaws. For instance, although some of the teachers are indigenous, they are not academically well prepared to be ethno-educators, i.e. being indigenous does not make them good teachers per se, and that has been reflected in a lower quality of education.

> "(...) In Arauca department the educational parameters have been undermined just for the sake of saying they have native teachers

> [within the CEINs] and that is not enough, the complementarily of the education is quite limited. In addition, the infrastructure and the State do not let the free enjoyment of this right [the ethno-education] and I think that deep down, the issue of education and the lack of basic parameters is associated with a collective imaginary of discrimination, racism and exclusion." (Interview with Carlos David Rodriguez, Community Ombudsman for Indigenous in Arauca, 2012)

Furthermore, despite of having a physical construction, the CEINs lack institutional supply which is reflected in lame staffing, equipment and school cafeterias.

> "(...) The institutional supplies for the academic year are coming in May or June, which means that from January to May the CEINs run by the will or the interest of the teachers due to their vocation and their desire of attracting a significant number of students but as the academic year starts the 17th of January, there are no supplies to ensure their permanence. The institutional supplies come in June, and before then there is no endowment, no educational materials, no school cafeteria and no school buses. For example, what can students eat from January to June? Nothing, and for one is a big responsibility to put the face, asking suppliers to make us believe a word that in six months we are going to pay and then figure it out how to pay those debts." (Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

Photo was taken by the author of this study. Arauca, Colombia 2012

Due to the food insecurity within the indigenous reservations, the issue of food supply for the CEINs is highly important because it is the main incentive to attend to the

Centers for most of students, which ensures their permanence. In addition, the CEINs are the only places where all the indigenous communities get together and discuss their life plans, and they therefore represent a vital space for strengthening culture and discerning conflicts between different ethnic groups.

4.5 Food Insecurity, Malnutrition and Health

As has been highlighted throughout this study, food insecurity experienced by all the indigenous communities in the Department is the product of a long process that has its beginnings from the time of colonization, the cuts of indigenous territories, afterwards as a consequence of inappropriate measure of exploitation of natural resources and during the last decade, it has deepened due to armed conflict as in cases of displacement and confinement.

All of these factors have resulted in sudden changes of traditional subsistence patterns (gardening, hunting and fishing) to sedentary new ones that have not been understood and assimilated by indigenous communities. This can be seen in changes of eating habits, gender roles, malnutrition affecting mainly children and thus worsening health problems.

> "The children show signs of malnutrition such as sisal or dry hair, thin, brittle and yellow, yellow skin and dry, with loss of muscle mass and glassy eyes. These characteristics were evident directly observable situation of hunger and malnutrition among children living Hitnu." (UAESA, et. al. 2009:12)

This photo was taken by the author of this study. Arauca, Colombia 2012

Child malnutrition is undoubtedly the factor that reflects most the severity of the humanitarian crisis which is being suffered by indigenous peoples in Arauca. For instance, 71% of the Hitnu children present acute malnutrition[19] and 61% suffer from chronic malnutrition[20] (Ibid), while for the rest of indigenous children in the Department 37% suffer from acute malnutrition and 38% of chronic malnutrition (ESE Moreno and Clavijo, 2011:261).

In addition to food insecurity, indigenous communities also lack potable water supplies because they collect it from the nearest water sources or from the wells they constructed, and consume it with any filtration or chlorination process. According to the research done by the ESE Moreno and Clavijo on Drinking Water Quality Index to 20 indigenous water supplies, 18 of them had 66% to 91% level of risk to human health, which means they are unfit for human consumption and only 2 presented a medium risk with 19.53% and 33.71% to human consumption (Annex V, ESE Moreno and Clavijo, 2011:154).

Photos were taken by the author of this study. Arauca, Colombia 2012

[19] Low weight for height
[20] Low height for age

As a result of the water quality the most common diseases are intestinal parasitism, constant presence of acute diarrhea, impaired nutritional status and health which is reflected in constant respiratory infections, skin rashes and are causes and consequences of child malnutrition.

Photos were taken by the author of this study. Arauca, Colombia 2012

Other common diseases among indigenous peoples in the Department are indeed public health problems due to communicable diseases such as vector-borne diseases of which malaria represents the highest prevalence with 46%, dengue ranks second with 38%, and Chagas disease is still undetermined for the total indigenous population of Arauca (Ese Moreno y Clavijo, 2011: 231). Another communicable disease is tuberculosis which according to indigenous testimonies is responsible for 8.4% of the deaths (Ibid: 233). However, this public health problem is underreported since the monitoring system of the Health Administrative Unit of Arauca department –UAESA- reported one case for the year of 2009, while the National Public Health Surveillance –SIVIGILA- reported a total of 76 cases of tuberculosis for the same period (Ibid: 256).

Sexually transmitted diseases as consequence of sexual exploitation, especially among the indigenous children living in the streets of the municipality of Arauca are still unreported.

> "An important issue to be attacked is the loss of ancestral governance. The rescue of the ancient cultures of indigenous peoples will not be able

> to achieve without rescuing the governance issue. Much of the problem of prostitution, alcoholism and consumption of psychoactive substance are based on the weakness of indigenous governors to control their communities. I think that is a major issue within among all the indigenous peoples with exception of the U´wa people." (Interview with Fredy Gómez, Planning Secretary for the Municipality of Arauca, 2012)

Indeed, traditional authorities are an essential element for making public health policy work within the reservations. For instance, communities with greater respect for traditional authorities (Cabildo, Capitan and Governor) such as the U'wa people, have minimum levels of prostitution, drug addiction and homelessness among its members, which has a direct impact on the spread of sexually transmitted diseases a result of the exploitation if children, youth and women.

Despite this alarming nutritional and health diagnosis, the EPS Dusakawi, the entity responsible for providing health services to indigenous people, minimizes the problem and Health Brigades are performed sporadically. The humanitarian organizations that visit the indigenous reservations constantly report health cases to the Ombudsman and the Ombudsman refers them to Dusakawi, but even so, no Health Brigades attend those cases. Overall the provision of health services is not continuous, the health infrastructure has no inputs that facilitate care and improve its operational capacity, Dusakawi does not provide medical treatment and human resources are insufficient. Furthermore, there is no a public health policy with a differential approach (Order 382 of 2010:15, 22, 25).

> "Here, the indigenous peoples' health is very poor, currently not only elderly die but also children (...) The health service companies have no extramural care programs, in the field there are no programs nor a policy. The indigenous are assist when they are about to die, apart from that nothing happens." (Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

Finally it is important to remark the fact that these poor health conditions are not only determined by the health sector but also by multiple factors such as displacement, confinement, poor sanitation, lack of potable water supplies, poor nutrition, weakness of

traditional doctors, a progressive loss of culture and respect for traditional authority. Hence an inter-sectoral approach is required to address all of these health problems.

> "Regarding health, I consider that as far as the actions implemented by the institutionality are not coordinated with the indigenous governors, we are going to lose efforts and resources. Another issue to address this problem is the integrality of actions because it is useless to bring health to indigenous communities if housing conditions are bad and will continue to have pollution sources near their homes and schools; it is also useless to bring health to them if the proliferation of vectors continues." (Interview with Fredy Gómez, Planning Secretary for the Municipality of Arauca, 2012)

4.6 Humanitarian Response

> "All relief actions affect the prospects for long term development, either in a positive or a negative fashion. Recognising this, we will strive to implement relief programmes which actively reduce the beneficiaries' vulnerability to future disasters [natural or manmade] and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes. We will also endeavour to minimise the negative impact of humanitarian assistance, seeking to avoid long term beneficiary dependence upon external aid." (ICRC, Code of Conduct, Principle 8)

This section will analyze which have been some of the good practices implemented by humanitarian actors in the field in order to address the threats scenarios derived from the double vulnerability, caused by structural violence and armed conflict violence, but also the study will identify some specific cases in which the humanitarian response has violated, without intending to, the universal principle in Humanitarian Action of Do No Harm. The base line for identifying some of the good practices implemented and some of the harms done to indigenous communities have been previously explained on the theoretical framework of the present document.

The Principles of protection endorsed on the Sphere Project are designed to prevent and alleviate human suffering, to guarantee the survival of civilians affected by disasters, to defend their dignity and ensure their rights. In the case of the humanitarian situation of indigenous people in Arauca, "advocacy" and the visibility of the crisis have been one

of the greatest achievements of national and international humanitarian actors present in the Department.

> "The NGOs and United Nations agencies that have presence in the municipality and in the Arauca department have been advocating for the situation and the problems of indigenous peoples in the region. In fact, because of this advocacy are derived the orders from the Constitutional Court, especially the Order 382." (Interview with Fredy Gómez, Planning Secretary for the Municipality of Arauca, 2012)

Indeed, the diagnosis of the Makaguan and Hitnu people made by UNHCR and the dealings with the community that led to the entrance of the judges from the Constitutional Court by the same UN agency, were fundamental for the issuance of the Order 382 of 2010. Although the humanitarian crisis is still the same, at least it is not an invisible one and the State institutions are now specially obliged to attend to it.

Different international NGOs such as CISP, LWF, Caritas, ICRC and United Nations agencies, such as OCHA, UNHCR, WFP and PAHO have presence in Arauca department and develop humanitarian projects with indigenous communities. All of them are part of the Humanitarian Local Team and meet monthly. This space has been highly important to advocate for indigenous peoples and for showing to local authorities the circumstance under which the communities live. During this electoral year a meeting was held with the candidates to be governor of the Department and Mayors of Arauca in order to press them to sign a "statement of commitments" in which indigenous demands were included (Camino Real Newspaper, 2011:5). Once the electoral campaign was over, the Humanitarian Local Team met in several occasions with the elected government cabinet to comply the statement of commitments or at least discuses the obligations of the local and departmental government against the humanitarian crisis.

Due to the importance of the activities that these international organizations have carried out, the impartiality with which they have delivered humanitarian assistance (water supplies, livelihoods, workshops, among others) and the neutral position towards the conflict; they have gained a humanitarian space that has guaranteed their access to the indigenous reservations.

> "The state institutions will not enter indigenous territories because there is an armed conflict going on here, and armed groups have their posture against the government which does not happen with international actors because here everybody knows that they come with a neutral attitude, they articulate with the indigenous authorities and the projects benefit the community." (Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

Indeed, institutional actors have no access to the reservations. In some cases is because indigenous communities do not trust them and in others because the GAO ML do not allow them to come in, and they are basically *de facto* authorities in most rural areas of the Department.

> "Often the subject of armed conflict and its escalation is an excuse for denying the access of state entities to many territories. There are many places where humanitarian actors can enter and institutional actors cannot. This can be positive because at least some organizations can get to the places where the State cannot reach. I think NGOs should use the trust that communities have on them to start community building projects and be spokespersons of communities before government entities." (Interview with Carlos David Rodriguez, Community Ombudsman for Indigenous in Arauca, 2012)

The following statement shows a perception that might help to understand why the governmental institutions are not welcome in the field:

> "From the State comes the oppression, from the State comes the persecution, from the State comes the enslavement, from the State comes the psychological warfare, from the State comes the prosecution. The Constitutional Court is commanded to protect us but finally what the government does is the opposite." (Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

Nevertheless, having no access to the communities is not only because institutional actors represent the State but also is due to a lack of trust between indigenous peoples and institutions.

> "Due to the armed conflict, the armed groups have declared war to everything that somehow is related to the government. However, another point to highlight is that unfortunately the credibility towards

> the institutions is very low in Arauca. For instance, if the communities have a complaint they prefer to do it at a national level rather than locally. Then the complaint goes to the Ministry of Interior, and this send it to the Departmental Secretariat and this in turn, send it to the Municipal Secretariat. The truth is that institutions have low credibility among communities."(Interview with Father Deison, Regional Advisor for the Early Warning System of the Ombudsman and Director of Caritas Arauca, 2012).

International humanitarian actors are also well recognized for respecting the security codes from their organizations, having delivered the humanitarian aid without the accompaniment of armed protection (which gives positive messages to the targeted communities), for respecting traditional authorities and for not creating tensions between the different ethnics groups. Indeed, international humanitarian actors have made a great effort to bring them together and to encourage them to resolve their internal conflicts based on pacific methods.

Despite important advocacy work, positioning a humanitarian space in areas highly affected by armed conflict dynamics, and providing humanitarian assistance under the principles of impartiality and neutrality; the humanitarian response also has had negative impacts among indigenous communities.

4.7 Do No Harm

In conducting humanitarian interventions, it is assumed that these actions are *per se* "good" because financial and human resources are invested in order to mitigate or to overcome the crisis faced by the affected population. Normally, affected populations lack these resources and therefore, it is assumed that they will be helpful to deal with the problem.

Indigenous peoples in Arauca have seen a disruption in their life projects due to the armed conflict. Humanitarian actions while seeking to alleviate human suffering and mitigate or prevent further damage have also created new issues among the communities, as it is stated by the Constitutional Court in the following abstract:

> "Affected communities have received emergency humanitarian aid from the ICRC, UNHCR, and PAHO. However, the food aid delivered to the communities was provisions that conform to international standards regarding food ration, but not to the customs and culture of indigenous peoples. Perhaps for this reason, foods were not consumed or well used. This situation resulted effects caused to children by acute diarrheal disease, accompanied by vomiting and fever, and exacerbated by the previous presence of intestinal parasites and malnutrition conditions." (Order 004, 2010: 153)

4.7.1 Moral and Empowerment Harms

Although humanitarian projects are regularly explained to the communities, the actors have failed to collaborate with them or include the beneficiaries in the project planning according to Ismael Uncasia President of ASCATIDAR, traditional leader and head of the majority of the indigenous communities in Arauca:

> "The projects and programs (...) are planned from an office and implemented in the communities regardless of their needs and without any consultation. However, it should be the other way around; projects should emerge from the communities to the offices." (Interview with Ismael Uncasia, Indigenous leader and ASCATIDAR President, 2012)

From the author´s perspective planning projects without consulting indigenous peoples could send indirect messages –A and B- and have the following implications –C and D- within the communities: A) Non-indigenous persons come to the reservations to impose ideas on how the indigenous communities should live and yet deal with their issues. B) Those who have the financial resources (prime materials, equipment and vehicles) are the ones that have the solutions to their problems, which discourage initiatives of self-improvement. C) It creates a distortion in the power relationships and hierarchies because the aid workers are responsible for decision-taking and not the traditional authorities, a situation that directly affects indigenous governance. D) Projects that are planned in the office without consultation, as Ismael Uncasia affirms, ends up in reducing ownership and in an inefficient use of resources because without consultation it is not possible to define exactly what the communities need and how it should be fulfilled respecting culture and tradition.

Harm 2: Implementation of assistencialist projects have made beneficiary communities get use to receive humanitarian aid and become dependent on it. Currently "the aid projects from the institutionality have generated total dependence and a lack of social control, derived from the acculturation and weakening of the ancestral governments" (Municipal Development Plan 2012-2015: 99). Likewise:

> "Displaced indigenous communities from La Esperanza, Caño Claro and Iguanito, state that the emergency humanitarian aid has taken them to begging, according to one of its members who expressed it to this body of control (...) This is due to the fact that these communities are totally dependent on this aid, as they have no other source of subsistence (...) which significantly affects the autonomy and self-sufficiency to which traditionally they were used to have." (Order 382, 2010: 20)

Indeed, this has decreased the chances of the population from La Esperanza, Caño Claro and Iguanito to seek self-overcoming initiatives, undermining their dignity and autonomy, and reinforcing the feeling of helplessness. After the actions were finished in those three communities, the implemented assistencialist projects did not leave installed local capacities, neither strengthens leaderships and much less resilience mechanisms.

Unlike other humanitarian crises, the one faced by the indigenous peoples in Arauca must be approached very carefully because although they do require emergency assistance, humanitarian organizations must be aware that it is a structural problem, and therefore a chronic crisis. This means that while humanitarian interventions only provide emergency aid and do not implement projects that intend to strengthen aspects such as self-sufficiency, governance, autonomy, culture and territory, the indigenous communities will continue to need humanitarian aid, not for months but for years. This is why the risks of becoming dependent, diminishing their self-protection mechanisms and self-improving initiatives, are multiplying exponentially.

4.7.2 Harms in Terms of Food Culture and Health

Harm 3: Implementation of humanitarian projects that ignore indigenous culture and the socio-environment in which they live.

According to The Operating Manual for National Food Program – a compulsory practical tool for the actors that implement this program, such as the *ICBF* and *Social Action* (at the present time known as DPS), the kits contain the following foods: rice, pasta, lentils, beans, milk powder, oil vegetable, tuna in oil, sugar, salt, rolled oats, corn flour precooked and "bienestarina", products that make up the most basic kit of emergency humanitarian food aid. However, in the 221 pages and nine sections comprising the Manual, it does not define a specific type of food kit with differential approach for indigenous people.[21] Complains on this regard were collected and investigated by the Constitutional Court, and quoted in its Order 004:

> "This aid (humanitarian emergency food aid) is the one generally used throughout the country which basically includes rice, oil, sugar cane, beans and lentils. We, the indigenous peoples are not used to this kind of food because the beans and lentils are not part of our diet. Although this was exposed at the time to Social Action, the Director of this institution systematically refused to discuss this issue, claiming that the food kits delivered were set by national and international law, which prevents the institution from changing its composition." (Order 004, 2010: 130)

Furthermore, beans require long cooking time and therefore high amounts of timber. This woody resource is increasingly scarce within indigenous reservations for which reason the indigenous have to walk every time longer distances to collect it, especially in Cuiloto Marrero and the reservations located in Betoyes. (CIPS Field Mission Report A, 2011)

Another important issue that drags the attention is that on September 27 of 2011 Social Action delegates were in mission to deliver 128 humanitarian food kits to the indigenous communities of Parreros, Caño Claro and La Esperanza settled in Betoyes

[21] Operating Manual for National Food Programe, available at: http://www.icbf.gov.co/portal/page/portal/PortalICBF/NormatividadGestion/Contratacion/RegimenEspecial/SedeDireccionGeneral/CP003-2011/ManualOperativo23mayo.pdf

as part of the response to the Order 382 of 2010. A day later, Social Action delegates delivered 20 kits to the indigenous community of Cuiloto Marrero (Social Action, 2011)[22]. However, according to the study of WQI made by the ESE Moreno y Clavijo in the same year as the kits were delivered, Parreros community as well as Caño Claro presented a 66.86% of risk on the tested water which means a high risk for human consumption, and the community of Cuiloto Marrero recorded a percentage of risk to human health even higher than the others with 73.96%. (Annex V) This indicates that the beneficiary communities of those food kits prepared the food and mixed the products for children, such as "bienestarina" and powder milk, with high risk water for human consumption.

4.7.3 Harms to Security

Harm 4: After the issuance of the Order 382 indigenous communities, especially those of the Lipa jungle were continually called by institutional humanitarian actors to meetings which required their permanent transfer. This had negative effects on the cultivation of livelihood and put at risk the safety of community:

> "[Due to the orders from the Constitutional Court] Many consultancies were done in order to know what was the problem of the indigenous peoples, everyone was doing a consultancy (...) thousands of meetings were done with the indigenous groups from one place to another, from here to there, and from there to here. As a result, the Hitnu people did not had enough time to take care of their crops for a year due to the meetings, and when they realized they had nothing to eat. In addition, the constantly moving to Arauca was urbanizing the Hitnu people who left the reservation alone, reason for which the insurgency thought that the indigenous were working for the government and thus, it began another conflict for them." (Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

Harm 5: Returns of displaced indigenous communities with no accompaniment by the institutionality or without guaranteeing the minimum standards of willing, dignity and security according to the national legislation and the Guiding Principles of Internal Displacement:

[22] Social Action Daily Log of Events September 2011, available at: www.docstoc.com/docs/146032987/reporte_mensual_bde

> “There are several reported cases in which people displaced were forced to return without safety and were victims of violent attacks, as happened with the communities indigenous of La Esperanza, Caño Claro and Iguanito in Arauca.” (Order 383, 2010: 57)

> “Moreover, although the security condition is the least satisfied in the process of return, the Constitutional Court notes that the authorities do not ensure the voluntary principle. The Court knew cases in where people forcibly returned because local authorities of the receiving municipalities promoted a return process without safe, willfulness and dignity, as happened with the inhabitants of Caño Claro (Arauca), who were forced to return after being identified as suspected collaborators of the guerrillas by some residents and local authorities Tame (Arauca).” (Order 383, 2010: 58)

> “This situation is alarming, but more worrying is for the Court to be the local authorities of the receiving municipalities the ones that promote irregular returns to escape from the obligations behalf the people who go to their jurisdictions, even knowing the dangers they would be exposed to. Such is the case of the indigenous communities located in Tame (Arauca) where the Secretary of Local Government, provides transportation for which the returns are made at the risk itself of the victim" (Order 383, 2010: 60)

4.7.4 General Harms

Harm 6: Projects that are not adequately explained can generate false expectations and mistrust:

> "The national government does humanitarian projects in which a lot of resources and money are handled. I would not like to criticize, but they come and dictate a two-day workshop in various communities and then, just before they leave they ask us to sign the attendance list." (Interview with Ismael Uncasia, Indigenous leader and ASCATIDAR President, 2012)

It is a must to explain to the communities if the projects are about WASH, food security, or training and workshops, among others actions. Otherwise the misunderstanding can cause a deepening, in the already big frustrations and disappointments of the communities which weaken relations between communities and humanitarian actors.

On the 28th of October of 2011 the indigenous communities of Genareros, Roqueros, Iguanitos and Curipao accepted to be beneficiaries of the ECHO/COL/BUD/2011/91016 humanitarian project implemented by CISP but they refused to sign or to put their fingerprints in register lists, delivery records or any other document. Indigenous claimed that this demand was due to the fact of have been manipulated by different actors, including the humanitarians, and having used their signatures and fingerprints for obtaining money without executing any projects or having implemented projects that did not fulfilled their expectations because the projects were not properly explained since the beginning. (CIPS Field Mission Report B, 2011)

Harm 7: Despite the great effort made by international organizations through the Humanitarian Local Team in order to achieve joint actions and act coordinately, it has not been possible between the international organizations, much less between international organizations and institutions, to work according this aim:

> "I think that one of the difficulties in Arauca has been the breakdown in the actions, each side makes what they want and what they can. There is a lack in coordination and a lack of will between organizations and institutions to open to each other (...) I think important steps have been taken but efforts must continue in order to ensure greater coordination." (Interview with Father Deison, Regional Advisor for the Early Warning System of the Ombudsman and Director of Caritas Arauca, 2012).

Other statements have done regarding this matter:

> "Articulation and coordination does not exist, nor in international organizations neither in the institutional ones, we see it very clear with the entities in charge of implementing the decisions of the Court due the orders 004 and 382: various municipal, departmental and national institutions came to us completely disjointed. The DPS, ICBF and the Departmental Governorate were saying something different. It was like if all of them were an independent cell. The humanitarian agencies are apart with their projects. There is no a unity in which all institutions and non-institutional actors work together for the real benefit of indigenous people. There are intentions but they have to be unified"(Interview with Milton Salazar, Indigenous leader and Director of the CEIN from Cusay La Colorada, 2012)

5. APPROACH TO GOOD PRACTICES IN HUMANITARIAN INTERVENTIONS FOR INDIGENOUS PEOPLES IN ARAUCA

After analyzing some of the harm and damages directly and indirectly caused to the indigenous communities in Arauca department, made by national and international, institutional and non-institutional humanitarian actors, it is important to highlight that these were mainly a result of denying peoples autonomy to define their own life plans and projects and assuming that third party knows best what should be implemented in the field, which ended up distorting cultural, social and political ancestral patterns.

Humanitarian interventions that do not actively include beneficiaries in the design, implementation, monitoring and evaluation of the response will naturally generate harm to indigenous communities. This will prevent the voices of the communities from being heard for which reason it will be impossible for humanitarian interventions to respect their traditional culture, life plans and ideas for the future.

However, an approach to good practices does not only mean humanitarian interventions that "Do No Harm", but also how these interventions can encourage and promote a conflict transformation from a grassroots level and moreover strengthen local capacities of both institutions and beneficiaries, instead of weakening them. This will be possible up to the extent that the interventions emerge from the analysis of principal contradictions (also known as incompatible differences), the attitudes of the actors, and the facts derived from such attitudes.

As has been pointed out through this research, the humanitarian crisis of indigenous peoples in Arauca has its principal contradiction in the incompatibility of the Western model vs. the Traditional model, which is reflected in different conceptions of land tenure and territory ownership, the degree of traditional autonomy vs. the sovereignty of the nation-state, and a historic rivalry between ethnic culture and dominant culture (Chapter I and II). In terms of attitudes, there are on one hand, the attitudes that come from the State through structural violence and on the other those exerted by the GAO ML through direct violence as a result of armed conflict (Chapter II and III). Finally the

facts derived from both types of violence which manifest in the humanitarian crisis of indigenous peoples (Chapter III).

Another key factor that must be considered by humanitarian actors in order to "Do No Harm" to beneficiaries is raising projects after having understood the relationships between indigenous communities and their external environment. In order to reach this goal it is compulsory to identify which are the elements that connect them and which are the ones that divide them. This will enable humanitarian actors to focus their actions on strengthening the connectors and lessening the dividers, and not the other way around: exacerbate dividers and undermine connectors. Generally, connectors are the elements through which local capacities are built up, and dividers are the ones through which tensions are more likely to intensify.

The consideration of the elements above-mentioned assures: harmless humanitarian interventions; actions consistent with the social, economic and political context; projects that respond to the real needs of indigenous communities; projects that understand the individual and collective dimension of the ethnic groups; and moreover, actions that in fact empower communities to be self-sufficient and to overcome the situation by themselves with the support and accompaniment of humanitarian actors but without paternalisms.

The following matrix shows some of the dividers and the possible actions that could be taken in order to lessen them. The proposed actions are based on real local connectors, but are just general ideas that should be developed with the communities to its construction and it subsequent implementation, i.e. the following actions are just examples which are neither exhaustive nor restrictive:

	Divisors	**Possible actions based on Connectors**
At Community Level	Reduced territory	Persuasion and advocacy before local and national authorities for the establishment, expansion and legalization of indigenous territories

	Communities ignore issues regarding land uses and land rights	Explain to communities indigenous territories´ legal framework and land rights, as well as its uses.
	Progressive loss of culture	Strengthen culture throughout ethno-education system support, recovery of native languages, ancestral costumes, worldviews, and traditional medicine
	Acculturation of ethnic groups	
	Weakening of traditional authorities	Support departmental traditional indigenous organizations (such as ASCATIDAR and ASOCATA) and held actions that reinforce autonomy, self-government and internal control systems
	Weak governance	
	Weakening of internal control systems	
	Inter-ethnic disputes due to power relations	Conflict resolution through dialogue practices
	Addiction to psychoactive substances	Provide medical assistance[23], psychosocial support and emergency aid projects that foster productive work. Set productive projects (reproduction of species and plants for food)[24] throughout the exchange of agricultural knowledge, technical support, and delivery of seeds and tools. Address the needs in water (through digging wells) and sanitation. Boost advocacy and persuasion actions before the entities in charge of providing health services such as ICBF and Dusakawi. Build basic health centers near indigenous reservations to treat common illnesses and stabilize patients in order to relieve suffering due to the poor access to health. Strengthen the knowledge of
	Hunger and malnutrition	
	Spread of viral, parasitic, bacterial, sexually transmitted diseases	

[23] It is important for health care centres and medical assistance to take into account the fact that indigenous peoples do not handle the concept of time as Western man. Therefore, the intake of medication and remedies are not ingested in the exact time that needs to be done which directly influences the effectiveness the treatment.

[24] Within household gardens more seeds per hectare should be planted in order to maximize land use, and preserve more area for palm which is used for Vinete and housing construction, and also, for the conservation of wild animals habitat.

		traditional healers and indigenous health workers[25] in all communities, throughout training workshops in line with their cultural and own medical practices.
At Institutional Level	Historical exclusion of indigenous peoples	Serve as a bridge between communities and institutions in order to create spaces of dialogue and understanding. Increase understanding and skills for dialogue with private actors and government.
	Loss of trust in state institutions	
	Instrumentalization of aid to manipulate and influence community decisions	
	Access denied and no space to enter to some indigenous reservations	
	Violation of indigenous human rights	Denounce and expound before the authorities violation to human rights. Hold workshops, trainings and forums on paths of enforceability of rights
	No effective participation of communities in the construction of projects that concern them	Technical assistance to governmental institutions to raise awareness and differential approach
	Decontextualization and deficient coordination between humanitarian actors, governmental institutions and targeted communities	
	Implementation of assistencialist projects that lack a differential approach	Multiply and share successful experiences based on the dignity and autonomy of indigenous communities to promote and respect their own life projects
At GAO ML Level	Recognition of GAOML as *de facto* authorities within indigenous reservations	Support processes of active neutrality for the creation of peace communities[26]
	Violations to International Humanitarian Law (displacements,	Take measures to deter, mitigate or neutralize the risk by

[25] Indigenous Health Workers, also known as Health Promoters, are the ones, together with the traditional healers, the responsible for treating health problems within the reservations. While traditional healers rely solely on the cure of diseases throughout ancient practices, health promoters combine the traditional and Western medicine. The aim of strengthening both figures is to promote the cure of diseases without carrying the indigenous to Arauca. The contact with urban centres is always set over a marginal situation which accelerates the acculturation process. Similarly, the return of the indigenous from the hospital to the reservations results in problems either because they have no money to return or because they prefer to stay in the cities begging.

[26] Rural communities declare themselves to remain neutral and outside the Colombian armed conflict, they emphatically refuse to collaborate or join any of the actors involve. Thus, they act actively in order to avoid getting immerse in the dynamics of violence inherent to the conflict and sharply reject the presence of any armed actors near their communities. A documentary about the peace communities of San José de Apartadó, available at: http://www.youtube.com/watch?v=ISye9IbR4vk

	confinements and presence of APM / UXO)	empowering communities throughout strengthening self-protection mechanisms
	High rates of displaced communities, uprooting and disruption in the social tissue	Support return processes, territorial recovery, historical memory and social cohesion

Finally, good practices in humanitarian interventions for indigenous peoples in Arauca, will be achieved to the extent that: firstly, its actions are respectful towards the principles of dignity and autonomy of the communities; secondly, the projects address the incompatibilities and real needs of the communities (which are based on territory, self-governance and cultural issues); and thirdly, its actions are built on strengthening the connectors and lessening the dividers between communities and their external environment.

The goal is that throughout the implementation of these actions, apart from meeting basic needs, humanitarian interventions help to transform the attitudes of the actors and empower communities to make them less vulnerable towards the attitudes of the actors derived from structural violence and armed conflict violence.

6. CONCLUSIONS

This thesis has identified and examined the main factors that have directly caused the situation of vulnerability in which the indigenous peoples in Arauca department are living. The present document has addressed the problem by studying the national jurisdiction, historical and current facts, and the humanitarian situation faced nowadays by these communities, to subsequently propose humanitarian interventions. This study, in addition of intending to be a tool that facilitates the understanding of indigenous issues in Arauca, also proposes good practices for planning humanitarian interventions with an ethnically differential approach in the specific case of the indigenous peoples of the department. In fact, this was the result of a long process and it was structured by answering the four research questions.

The first step was to establish if *violence was a determinate factor that has caused the status of vulnerability suffered by the indigenous people of Arauca? And if so, what types of violence they have been victims of?* What this study demonstrates is that indeed, the vulnerability that looms over indigenous groups in Arauca Department is a direct consequence of being historical victims of violence in Colombia. As it has been widely discussed throughout this study, there are two types of violence that have been clearly defined and analyzed, which have hit the ancestral communities individually and as a whole. The first type of violence to appear and that remains in force nowadays is the structural violence. The other is the direct violence exerted by the armed actors involved in the Colombian internal conflict. This is an effect of an incompatibility of two opposing models: the traditional/ancestral model vs. The Western model, represented by the State and by the GAO ML. This last model is based on a scientific and materialistic logic, in contrast to the indigenous worldview.

There has been a continued and increasing violation of indigenous peoples' rights in Arauca, Colombia, along with an incapability to ensure the respect of those rights. The Constitutional Court has stated that the actions of the Colombian State have been precarious and its scope should not be only limited to attempts at formulation of public policy and constant formal statements by the authorities, which have not had any real impact on the indigenous´ status of vulnerability.

Structural violence has been a socio-historical process that has established the modus operandi of the relationship between the Nation-state and the ethnic groups, particularly those residing in Arauca department. Only in 1991, with the enactment of the current political constitution, Colombia was recognized as a country with ethnic and cultural diversity. Before that date, the indigenous groups were invisible, without participatory spaces neither legally protected as ethnic minorities, allowing the perpetuation of patterns and scenarios of discrimination and exploitation by the white man. Patterns that continue to be legitimized over the idea of development and modernity, despite the fact that under any circumstances this idea can be an excuse or a justification to run over native peoples´ rights and dignity.

However, as it has been stated by the orders expelled by the Constitutional Court, neither the political constitution nor the other laws that apparently provide a favorable legal framework for the indigenous people have been successful at this time in protecting this population or guaranteeing the effective enjoyment of their rights. Indigenous rights which are intimately connected with possession and permanence within their territories.

The relationship between the State and indigenous groups is set over a deep social conflict, based on exclusion, due to a wide gap in social and material inequality that characterizes the Colombian population. Nevertheless, it is much sharper for indigenous peoples who basically live in prehistorically conditions under the indifferent gaze of his contemporaries of the twenty-first century.

As if the facts above-mentioned were not a serious and an imminent threat to the existence of indigenous peoples, the GAO ML - FARC and ELN-, have stepped up the armed confrontations in Arauca department against the Colombian state during the last decade. Along with the reappearance of paramilitary groups this has affected the civilian population but especially indigenous communities who have their reservations in remote rural areas. To this has been added an upsurge in armed confrontation, especially in indigenous territories, leaving thousands of displaced communities, victims injured by APM/ERW, usage of communities as human shields, forced recruitment, illicit crops in their territories, child recruitments, displacements, murders,

sexual exploitation of women and girls, and constant armed confrontations in which indigenous communities usually are trapped, among other practices prohibited by IHL.

The study of structural violence and the internal colonization history of the Eastern Plains in Colombia, particularly from the second half of the twentieth century, brought some compulsory changes to the indigenous life patterns through which was possible to answer the second question which determines *to what extent the transformation of semi-nomadic to sedentary practices in indigenous peoples, has influenced their current life style and has it contributed or not, to their situation of vulnerability?* To this, the research shows that the indigenous peoples have been affected by a gradual territorial reduction encroachment, initially due to the creation of territorial boundaries of the nation-state and subsequently, of colonization.

This, has forced them into a transformation of life patterns from semi-nomadism (in which for more than 5000 years, hunting, fishing and gathering fruits where their livelihood), to sedentary practices that are strange, hard to understand and sometimes contradictory with the way they survive and live in a territorial space. When the indigenous were nomadic peoples they used to get everything they need from their vast territories. Fishing, hunting and gathering were the unique food sources. Nowadays, the practices mentioned before are highly restricted due the boundaries of private properties. Therefore, indigenous' degree of welfare is increasingly depending on their poor access to purchasing power to fulfill their basic needs. This has brought change on eating habits, gender roles, malnutrition -affecting mainly children- and thus worsening health problems.

Another important issue that should be highlighted is that the fact of changing nomadic practices into sedentary ones has had negative consequences on the depleting of the natural resources, such as palms and timber trees, as a result of the settling of indigenous communities in one single place in where rotation is impossible due to the lack of territory. The depletion of timber trees and palms is certainly a problem for these communities, since they use the wood for cooking and the palm for building houses and roofs. Other issues that in fact affect their life condition are the insanity within reservations –due to excrete and solid disposals- and the risk to health that those factors represent. Chagas disease among indigenous is also another consequence of sedentarism

because the presence in a permanent shelters with thatched roof facilitates nesting of the "Pito". In the past any of the issues mentioned above were a problem due to the constant rotation of the communities which allowed the recovery of the land and the environment.

A forced sedentary process as a result of cutback of ancestral lands and the even more shrunken spaces that indigenous peoples must adapt to have drastically modified their socio-political structures and weakened their culture, identity and autonomy. In addition, indigenous inability to move freely through their ancestral territories –as they used to do it in the past as nomadic peoples- have ended up turning them forcibly into sedentary communities with no previous State accompaniment during this abruptly process. This transformation have make them more vulnerable in the sense that it has affected the diet, survival, reproduction and cultural practices of these groups reducing the indigenous population census and leaving them adrift in a process of acculturation and economic dependence. However, acculturation is even more serious given the system's inability to assimilate and include the acculturated indigenous within the society and its daily dynamics, which results in their marginalization and indigent status.

The answers to the first and second question, paint a bleak picture for indigenous peoples through the identification of the main elements causing the high vulnerability faced by these communities. Nonetheless is question three the one that illustrates how the vulnerability is manifested in the humanitarian situation of the indigenous by defining *what is the scope of the humanitarian situation experienced by these indigenous communities?* In fact, the current situation experienced by them is a humanitarian crisis which is eminently threatening the life, health, safety, security and wellbeing of these communities and therefore a multi-sectorial response is required.

There are a significant number of registered massive, progressive and itinerant displacements to rural villages, municipalities and between indigenous reservations. The displacements among them have had serious impact over the: loss of culture -especially among children and youth- as a result of a breakdown in the social fabric and a progressive disrespect for traditional authorities; food insecurity –hunger and malnutrition- and shelter. It also has deepened the pre-existing poverty conditions

within families and communities, and increased the exposure to risks and preventable hazards. For instance, when moving to urban centers, indigenous children are more likely to become victims of labor exploitation, begging and prostitution.

Confinement by presence of APM/ERW is one the various elements that has contributed to the humanitarian crisis. The prevention on free mobility has exacerbated, especially in the Lipa Jungle, the conditions of risk and vulnerability in sensitive areas such as food security, as it restricts the practices of hunting, fishing and gathering, which leads to malnutrition.

On the one hand, displacement and confinement as a result of armed conflict violence, and on the other, the cuts to indigenous territories made historically by the State, have been the cause of a progressive deterioration of housing, basic sanitation and health within indigenous reservations. Child malnutrition is undoubtedly the factor that reflects most the severity of the humanitarian crisis. For instance, 7 of every 10 Hitnu children present acute malnutrition and 6 of every 10 suffer from chronic malnutrition. In addition to food insecurity, indigenous communities also lack of safe water supplies and according to the WQI, the water consumed by the communities represent a risk to human health. Hence, diseases such as intestinal parasitism, acute diarrhea, respiratory infections, skin rashes are common among the population.

Displacement, confinement, poor sanitation, lack of potable water supplies, poor nutrition, weakness of traditional doctors, a progressive loss of culture and respect for traditional authority, draws the scope of the current humanitarian crisis and constitute the series of factor that prevent indigenous communities from accessing their basic needs.

For all these reasons, the international community and humanitarian actors have a field of activity as wide as its responsibility to assist and protect indigenous peoples in Arauca. Therefore, it is important to consider this last research question: *which practices should be implemented by humanitarian actors according to the ancestral culture and the local context, in order to empower communities to overcome their vulnerabilities, and the roll of territory, culture and self-government within these practices?* Before answering this question, it is relevant to clarify that the proposed

practices are set from a critical perspective of humanitarian action that goes far beyond assistencialism and mere humanitarian emergency interventions due to the nature of the situation addressed, which is not a temporary one, but it is historical and structural; hence, this humanitarian emergency is a chronic crisis repetitive over time. To the extent that humanitarian interventions provide just emergency aid and do not contribute to address the root of it by strengthening aspects such as governance, culture and territory, communities will get use to receive aid, becoming dependent on humanitarian actors, diminishing self-sufficiency initiatives and then, harming communities.

Having developed the previous argument, the proposed practices seek for alternative activities that address the following issues: advocacy, indigenous collective land rights, cultural strengthening (through etno-education, native language, ancestral costumes, worldviews, traditional medicine and self-governance), historical memory and social cohesion, humanitarian assistance through emergency aid projects, supporting indigenous organizations and peaceful dialogue promotion with all actors.

By implementing successfully these activities, focused on strengthening connectors and lessening dividers, indigenous communities will be more capable of dealing with the incompatibilities, related with indigenous land rights, traditional autonomy/self-governance and ethnic culture, between both the State and the GAO ML which are the direct responsible of the humanitarian crisis.

In this sense, the proposed humanitarian interventions attempt to be consistent with the current real needs of indigenous communities and to be coherent with the regional context. To the extent that this is understood in the field and planned with the collaboration of the communities, the action that "do harm" will be considerably reduced and the ones based on "good practices" will increase. This will not only address the humanitarian emergency but also will attempt to empower and dignify communities, and moreover, contribute through humanitarian actions to transforming the asymmetric, unequal and exclusive order which falls upon the indigenous population and is the reason why they are on the verge of "physical and cultural extermination" according to the Constitutional Court of Colombia.

7. REFERENCES

Books and Articles

- Anderson, M. 1999. Do No Harm: how aid can support peace or war. Lynne Reinner Publishers Inc. USA Colorado.
- Coronado, S. 2009. *El derecho a la tierra y al territorio,*CINEP, Bogotá D.C.
- Falchetti, A. 2005. Los Uwas y la Percepción Indígena de la Historia, Boletín de Historia y Antiguedades, Vol. XCII, No. 828. Órgano de la Academia Colombiana de Historia. Colombia.
- Franky, C. Mahecha, D. Colino, M. 2010. Pueblos de Tradición Nómada de la Amazonia y la Orinoquía: Memorias de un Encuentro. Universidad Nacional de Colombia. Amazonas.
- Galtung, J. 1969. *Violence, Peace and Peace Research*. SAGE.
- Jiménez, R. 2004. Visión y conocimiento ancestral de la biodiversidad desde el pensamiento del pueblo Sikuani. Instituto de investigación de recursos biológicos Alexander Von Humboldt. Arauca.
- Kalyvas, S. 2000.*"The Logic of Violence in Civil War"* Department of Politics, New York University.
- Kalyvas, S. Shapiro, I. Masoud T. 2008. Order, Conflict and Violnece. Cambridge University Press, UK.
- Pantuliano, S. 2009. *Uncharted Territory: Land Conflict and Humanitarian Action.* Practical Action. Publishing, UK. Page 13.
- Ribeiro, D. 1971. Fronteras Indígenas de la Civilización. Siglo XXI Editores. México D.F.
- Richard, C. 1967. "*Competitive Interference and Twentieth Century Diplomacy*." Pittsburgh.
- Salazar, E. Roncal F. Cabrera F. 2001. Modelo Educativo: Identidad y Derechos de los Pueblos Indígenas. Colectivo Paulo Freire. Guatemala.
- Yin, R. 1979. Changing Urban Bureaucracies. Lexington, MA: Lexington Books
- Yin, R. 1994. Case Study Research: Design and Methods. Sage Publications, Thousand Oaks, CA
- Rossier, M.C. 2011. A Review of Practices and Expert Opinions: Linking Humanitarian Action and Peacebuilding. The Center on Conflict, Development and Peacebuilding. Geneve.
- Gómez, A.1987. "Llanos Orientales: Colonización y conflictos interétnicos, 1870-1970".Facultad Latinoamericana de Ciencias Sociales, FLACSO, sede quito.
- Rausch, J. 1984. Una Frontera de la Sabana Tropical: los llanos de Colombia 1531-1831. Banco de la República. Bogotá.
- Arias, J. 2004. Ganadería, paisaje, territorio y región. Una historia ecológica y social de la colonización de la Orinoquía colombiana. Instituto Alexander von Humboldt. Bogotá
- Serje, M. 2003. ONGs, Indios y Petróleo: El Caso Uwa a través de los mapas en disputa.École des Hautes Études en Sciences Sociales. Paris.
- Roa,T. 2002. La Occiental Company en Caño Limón: una deuda ecológica. Censat Agua Viva. Colombia
- Ramiro, P. Chaparro, A. 2006. Colombia en el Pozo: los impactos de Repsol en Arauca. Observatorio de Multinacionales en América Latina. Madrid.
- Pérez, M.2002. Historias de Saqueo y Resistencia. Corporación Jurídica Humanidad Vigente. Arauca.

- Rodríguez, Ana Luz 2011. El enfoque ético de la Acción sin Daño, módulo de la especialización en Acción sin Daño y construcción de paz, Bogotá: Universidad Nacional de Colombia.

Reports

- CISP Field Mission Reports. A. October 2011. ECHO/COL/BUD/2011/91016 project.
- CISP Field Mission Reports.B. November 2011. ECHO/COL/BUD/2011/91016 project.
- CODHES. 2011. Territorios en Confrontación: Impacto del conflicto armado sobre la población civil en la Orinoquia y la Amazonía Colombiana. Consultoría para los Derechos Humanos y el Desplazamiento – CODHES – Bogotá.
- ESE Moreno y Clavijo.2011 .Diagnóstico en Salud de las Comunidades Indígenas del Área de Influencia.
- Instituto Colombiano de Bienestar Familiar. Aproximación Etnográfica al Pueblo Hitnu de Arauca. Guía para un Acercamiento Intercultural. Regional Arauca.
- Report of violations to Human Rights and International Humanitarian Law presented by ASCATIDAR in the VII Peoples Ancestral Congress of Arauca Department, August 25 of 2012

- Sistema de Alertas Tempranas, 2009. Defensoría Delegada para la Evaluación de Riesgos de la Población Civil como Consecuencia del Conflicto Armado. NOTA DE SEGUIMIENTO N° 004-11. Page 2
- Special Administrative Health Unit of Arauca, UAESA, ESE Alvarado y Castilla, ICBF and ACNUR. Septiembre de 2009. Nutritional Diagnosis of children and adolescents from indigenous communities: El Romano, La Ilusión, El trapiche, Providencia, Las Vegas y Monograrra, municipality of Arauca.
- Special Administrative Health Unit of Arauca, UAESA. 2009. Report of Pertussis outbreak occurred in the indigenous community of the municipality of Arauca Hitnu.

Internet sources:

- Arcoiris, 2012. Arauca amanece con paro armado. At: http://www.arcoiris.com.co/2012/07/arauca-amanece-con-paro-armado/
- Botes, J. 2003. Conflict Transformation: A Debate Over Semantics or a Crucial Shift in the Theory and Practice of Peace and Conflict Studies? International Journal of Peace Studies. Volume 8, Number 2. Available at:
- Camino Real Newspaper. 27 al 31 de 2011. Edición 24. Arauca Colombia. Octubre. http://www.llanera.com/caminoreal/caminoreal_024.pdf

- Casualties and Victim Assistance. 2009. Landmine and Cluster Munition Monitor. Available at: http://www.the-monitor.org/index.php/publications/display?url=lm/2010/es/Casualties_and_Victim_Assistance.html
- Codhes. July of 2009. Crisis humanitaria en Arauca es cada día más caótica, aseguran desplazados. Available at: http://www.peaceobservatory.org/es/1056314612/crisis-humanitaria-en-arauca-es-cada-dia-mas-caotica-aseguran-desplazados

- COLOMBIA NUNCA MÁS, Capítulo I "Violencia contra los Indígenas. Aceptación social del exterminio", At: *http://www.derechos.org/nizkor/colombia/libros/nm/z7/ZonaSiete01.html*.
- Dividers and Connectors, Collaborative for Development Action. February 2003. 130 Prospect Street, suite 202 , Cambridge, U.S.A. Available at: http://www.cdainc.com/publications/cep/issuepapers/cepIssuePaperDividersConnectors.pdf
- Fernandez, Carlos. "Deslinde conceptual entre daño a la persona, daño al http://www.cercapaz.org/apcaafiles/f904423c8c037cebbabc576e5958d8da/Modulo_1.pdf http://www.gmu.edu/programs/icar/ijps/vol8_2/botes.htm http://www.goodhumanitariandonorship.org/gns/principles-good-practice-ghd/overview.aspx
- Humphreys, M and Weinstein, J. 2005. Handling and Manhandling Civilians in Civil War: Determinants of the Strategies of Warring Factions. Available at: http://www.columbia.edu/~mh2245/papers1/Civilians.pdf
- Instituto Geográfico Agustín Codazzi, 2012. Unidad Administrativa Especial del Sistema de Parques Nacionales Naturales, Instituto de Investigación de Recursos Biológicos Alexander von Humboldt, Ministerio de Ambiente y Desarrollo Territorial, Ministerio del Interior, INVEMAR. At: http://www.anh.gov.co/media/asignacionAreas/2m_tierras_220812_2.pdf
- Jiménez, S. 12 of December of 2012. Adiós a las guahibiadas. El Espectador. Avalable at: http://www.elespectador.com/noticias/judicial/articulo-392144-adios-guahibiadas
- Marcos, F. 1999. Ayuda humanitaria y cooperación al desarrollo en situaciones de conflicto: ante todo no dañar. Instituto de Estudios sobre Conflicto y Ayuda Humanitaria (IECAH). Available at: http://www.iecah.org/web/images/directory/1295231648AHCoopDes.pdf
- Monzón, I. 2010. Dividers and Connectors Analysis: Understanding the sources of tension and the local capacities for peace. AFCS. Available at: http://www.modop.org/uploads/File/Connectors%20and%20dividers%20Tool%20description%20&%20Case.pdf
- MSF, 2010. Chagas: la lucha contra una enfermedad silenciosa en Colombia. At: http://www.msf.org.ar/noticias_y_prensa/nota1.asp?idnoticia=227
- Municipal Development Plan 2012-2015. Available at: http://educon.javeriana.edu.co/ofi/documentos/regionalizacion/Planes%20desarrollo/Capitales/ARAUCA%202012_2015.pdf
- OCHA Map, 2008. Available at: http://www.colombiassh.org/site/spip.php?article58
- Olsen, V.2008. Marco legal para los derechos de los pueblos indígenas en Colombia. Published by Human Rights Everywhere. Available at: http://cms.onic.org.co/wp-content/uploads/downloads/2012/03/cartilla_derechospueblos.pdf
- Presidential Program for Comprehensive Action against Antipersonnel Mines PAICMA. Available at: http://www.accioncontraminas.gov.co/Paginas/victimas.aspx
- Principles and Good Practice of Humanitarian Donorship
- proyecto de vida y daño moral". Available at: http://bivipas.info/bitstream/10720/449/1/D-222-Fernandez_Carlos-2003-355.pdf
- RESET (Research on Security and Transnational Governance) http://www.resetweb.org/index.php?option=com_content&view=article&id=358&Itemid=64
- The Do No Harm Handbook: The Framework for Analyzing the Impact of Assistance on Conflict. 2004. Collaborative for Development Action. 130 Prospect Street, suite 202 , Cambridge, U.S.A. Available at: http://www.cdainc.com/dnh/docs/DoNoHarmHandbook.pdf

- UNHCR. El Barça apoya el juego limpio en Colombia. 30 Sep 2010. Published by Reliefweb. Available at: http://reliefweb.int/report/colombia/el-bar%C3%A7a-apoya-el-juego-limpio-en-colombia
- Yacuzzi, E. 2005. El estudio de caso como metodología de investigación: teoría, mecanismos causales, validación. Universidad del CEMA. Available at: http://www.automark.com.mx/MYRNA_estudiosdecaso.pdf
- Yin, R. 1981. The Case Study Crisis: Some Answers. Source: Administrative Science Quarterly, Vol. 26, No. Published by Johnson Graduate School of Management, Cornell University. Pp. 58-65. Available at: http://regnet.anu.edu.au/sites/default/files/files/Yin_Case%20study%20crises_some%20answers_1981.pdf

Main Legal Resources

- Auto 004 de 2009 from the Constitutional Court of Colombia
- Auto 382 de 2010 from the Constitutional Court of Colombia
- Auto 383 de 2010 from the Constitutional Court of Colombia
- Indigenous and Tribal Peoples Convention 169 from the International Labor Organization, 1989.
- Political Constitution of Colombia, 1991.
- United Nations Declaration on the Rights of Indigenous Peoples, 2007.

8. ANNEXES

ANNEX I

Total Population of Arauca by Municipality

Municipality	Urban	Rural	Total
Arauca	62.634	12.923	75.557
Arauquita	15.078	21.667	36.745
Cravo Norte	2.391	1.270	3.661
Fortul	10.009	11.842	21.851
Puerto Rondón	2.655	1.307	3.962
Saravena	28.544	14.222	42.766
Tame	19.134	28.442	47.576
Total	**140.445**	**91.673**	**232.118**

Source: National Bureau of Statistics (Dane), Census 2005

Total Indigenous Population of Arauca by Municipality

Municipality	Population
Tame	1.888
Fortul	629
Saravena	714
Arauca	1.094
Puerto Rondón	108
Cravo Norte	75
Arauquita	607
Total	**5.115**

Source: Plan de Salvaguarda Comunidades Hitnu y Makaguan,
Ministerio del Interior y Justicia

Location of Indigenous Peoples in Arauca Department

Peoples	Community/Reservation	Municipality
U´WA	Angostura, Laguna tranquila, Curipao, Sibariza, San Miguel, Unkaria, Chibarakia, Playas de Bojabá, Calafitas I y Calafitas 2	Tame,Fortul, Saraven

HITNÚ	La Conquista (Monogarra, Trapiche, Las vegas y Providencia)La Ilusión y Cuiloto Marrero	Arauca, Puerto Rondón
MAKAGUAN	El Vigía, Cusay la Colorada, San José de Macariero, Cusay la Colorada, Parreros, Cuiloto1, Cuiloto 2, Caño Claro, La Esperanza	Arauquita, Fortul, Tame
SIKUANI	Corocito, La Estrellita, Matecandela, Bayoneros, Cajaros, Canánama, Iguanitos	Arauca, Arauquita, Cravo Norte
BETOY	Genareros , Roqueros, Velasqueros, Julieros	Tame
INGA	Nucanchipa and Arauca	Arauca

Source: UNCHR presentation, January 19/ 2011

ANNEX II

BALDIOS ENTREGADOS PARA INMIGRACION Y POBLACION INTERNA EN LOS LLANOS 1823-1850

AÑO	CANTIDAD	OBJETO	BENEFICIARIO Y CONDICIONES DE ENTREGA
1823	300.000 Fanegadas	Promover inmigración (no dice el lugar)	200 Fanegadas por Familia
1826	100.000 Fanegadas	Promover inmigración (no dice el lugar)	200 Fanegadas por Familia
1826	200.000 Fanegadas	Promover inmigración (no dice el lugar)	HERRING, GRAHM y POWLES
1823	10.000 Faneg. por c/Parroquia	Reducir Indígenas "Salvajes"	de 10 a 100 Faneg. por Familia Entregadas a C/nueva parroquia en tierras de salvajes
1832	500.000 Fanegadas	Promover poblamiento del Casanare	Agricultores: 25 a 200 Faneg. Criaderos: 200 a 3.600 Faneg.
1832	Haciendas de Guanapalo Macuco, Surimena t Casimena.	Sostener esos Pueblos y civilizar indios errantes (Casanare)	
1835	150.000 Fanegadas	Dar tierra a los Casanareños	Casanareños que carezcan de Tierra
1839	6.000 fanegadas	Nueva población en Pore (Llanos)	60 fanegadas por familia, bajo ningún pretexto darlas a quienes no residencien allí.
1844	Sin	Poblar el Casanare	100 Faneg. por familia tener casa de residencia al año.
1849	Sin	Indígenas sin resguardos en Casanare y San Martín (Llanos)	La cabecera del distrito
1849	50.000 Fanegadas	Distribuirlos entre militares	
1850	50.000 Fanegadas	Distribuirlos entre Militares	
1850	Sin	Familias establecidas o que se establezcan en Bocas del Toro, San Andrés, Darién, San Martín	60 Fanegadas por familia

FUENTE: Baldíos: 1820 - 1936. Jorge Villegas, Antonio Restrepo.
Centro de Investigaciones Económicas C.I.E.V. de Antioquia
Archivo Histórico Nacional de Colombia. Sección República
Fondo: Departamento de Baldíos 78 Tomos
Memoria del Ministro de Industrias, 1931. Tomo III.

BALDIOS ENTREGADOS PARA LA COLONIZACION INTERIOR E INMIGRACION EN LOS LLANOS 1851-1878

AÑO	CANTIDAD	OBJETO	CONDICIONES DE ENTREGA
1851	600 Fanegadas	Promover el poblamiento de San Martín	
1856	---	Promover inmigración extranjera en la Región Oreintal de Colombia	Exenciones
1857	---	Promover colonización y poblamiento	Prórroga del plazo para establecer casa y labranza ue no baje de 4 Has.
1870	---	Promover colonización Territorios Nacionales, San Martín y otros	
1870	5.000 hectáreas	Promover colonización y poblamiento en las cabeceras o nuevas poblaciones de Casanare y San Martín	Establecer casa y labranza
1871	9.000 hectáreas	Poblamiento del Nare	
1871	5 millones de hectáreas	Fomento de la Colonización	La Nación y los tenedores de bonos de deuda externa en Lóndres, Cream Compañía de inmigración y fomento.
1871	---	Fomento de la inmigración	25 hectáreas a cada inmigrante.
1876	40.000 hectáreas	Fomento de la Colonización y civilización de indígenas del Sarare	La Compañía deberá abrir un camino y crear 2 colonias con 25 familias c/u mínimo

FUENTES: Baldíos: 1820-1936, Jorge Villegas, Antonio Restrepo
-Memoria del Ministerio de Industrias, 1931. Tomo III
-Archivo Histórico de Colombia, Sección República
Fondo: Departamento de Baldíos. Tomo 1 a 78 años. 1856-1934

Source: Gomez, 1987

ANNEX III

Testimony within trial of one of the perpetrators admitting in detail the slaughter happened in "La Rubiera".

TESTIMONIO DE LUIS ENRIQUE MORIN:

"Me llamo Luis Enrique Morín, colombiano, de Arauca, de veinticinco años, soltero, de profesión obrero (…) y antiguo encargado del fundo La Rubiera, de Tomás Guerrero. El día 2S de diciembre de 1967, siendo la una de la tarde llegaron a la casa del fundo La Rubiera los señores Anselmo Aguirre y Marcelino Jiménez y me informaron personalmente de que los indios venían a arrancar las yucas y matar los marranos. Inmediatamente me trasladé a la ranchería donde se encontraban trabajando los señores Cupertino Sogamoso, Celestino Rodríguez, alias Carrizales y Pedro Ramón Santana y ordenándoles que se trasladaran a la casa para matar los indios. Después de estar todos reunidos en la casa, el señor Anselmo Aguirre y yo planeamos la manera de eliminar los indios. Dicha forma era la siguiente: que cuando los indios llegaran, parte de la gente se escondiera en la habitación que está situada en la parte media de la casa y que yo me quedaría afuera con las dos mujeres de nombre Elena Jiménez y Gregaria López y además Helio Torrealba y Celestino Rodríguez. Ese día los indios no se presentaron.

Al otro día 26 de diciembre, siendo las cuatro de la tarde divisamos yo y Torrealba, los indios que venían por el lado del conuco. Enseguida di la orden que se metieran en la habitación el siguiente personal: Anselmo Aguirre, que estaba armado con un revólver 38 largo; Marcelno Jiménez que portaba un revólver del mismo calibre; Eudoro González que tenía una maceta; Cupertino Sogamoso, armado de una maceta; Luis Ramón Garrido que tenía un cuchillo y Pedro Ramón Santana que tenía un rifle 22 y afuera nos quedamos Helio Torrealba, Celestino Rodríguez, armado de un revólver 38 largo, Elena Jiménez y María Gregaria López, estas últimas sin armas y mi persona que me encontraba armado con un revólver 38 largo y un cuchillo. Al acercarse los indios a la casa pidieron comida a ITJ comadre Gregaria López y yo le ordené que les dieran. Cuando ellos empezaron a comer, me dirigí a la habitación donde se encontraba la gente encerrada y tocando la puerta, como estaba previsto, les ordené que salieran a que mataran los indios. Ellos salieron por la ventana de atrás y por la puerta. Fue cuando los indios se asustaron y salieron corriendo y comenzó la matazón. Personalmente corrí tras de uno y lo maté de un disparo. Luego regresé y maté una india como de 30años de edad. De inmediato maté en compañía de Anselmo Aguirre otro indio como de 25 años de edad con dos tiros y luego me dirigí hacia otro indio pequeño, como de unos siete años de edad y le di muerte con una maceta que encontré. Después hallé una india pequeña, como de ocho años de edad y le di muerte también con un disparo por la espalda. Luego me regresé a la casa y el restante personal continuaba la matanza de los otros indios. Más tarde comimos y nos acostamos. A la mañana siguiente del día 27 de diciembre de1967, nos levantamos y yo fui a buscar las bestias (mulas) y le ordené a

Eudoro González, Elena Jiménez y Helio Torrealba para que me ayudaran a arrebiatar a la cola de los caballos (son mulas) los cadáveres que habíamos dejado tendidos en el suelo la noche anterior. Llevamos los cadáveres afuera de la sabana y como a una distancia de setecientos metros de la casa de habitación del fundo. Inmediatamente nos devolvimos para regresar con leña, palmas y un galón de gasolina. Una vez reunidos los cadáveres, mi persona y Heliodoro González le regamos gasolina y la leña para quemar los indios muertos y nos fuimos a trabajar y luego regresé al sitio para echarles leña y remover los cadáveres calcinados y confundirlos con la tierra. Posteriormente Cupertino Sogamoso, para ocultar el entierro, le puso encima calaveras de reses y huesos de varios animales. Todas las personas que estábamos ese día en el fundo de la Rubiera tuvimos participación en la matanza excepción de las dos mujeres. El número de indios que llegaron ese día al fundo eran dieciocho. Hombres eran cinco, mujeres eran cinco y el resto eran pequeños. Los indios no estaban armados y el motivo que tuve para obrar de esa forma fue porque ellos venían a matar los marranos y arrancar las yucas. Yo di las órdenes para matar los indios por lo que Anselmo Aguirre me había dicho de lo que iban a hacer los indios. Los indios llevaron un perro que lo dejaron en la canoa. Yo lo maté porque lo encontré a un lado de un indio muerto y me iba a morder. Luego lo eché en la hoguera donde se estaban quemándolos indios muertos. De los indios que están en esa fotografía reconozco tres indios y maté la que tiene a un niño en los brazos y al otro lo mató Luis Garrido con el cuchillo de él.”(Expediente La Rubiera. Juzgado Segundo Superior de Ibague. Taken from Gomez, 1987, Annex I)

ANNEX IV

Interview Format

Name:
Institution/Organization that you work with:
Role within the organization:

1. How would you describe the living standard of indigenous peoples settled in Arauca Department, in terms of the following aspects:

	1	2	3	4	5

Health					
Nutrition					
Housing					
Education					

Comment

2. What do you perceive as the main causes of the situation described above? To what or whom do you attribute these reasons?

	1	2	3	4	5
Structural Violence/ Discrimination					
GAO ML					
Another causes					

Comment

3. How has been the role of the Colombian State to tackle this problem?

Negligent	2	3	4	Efficient

Comment

4. Colombian legislation establishes laws that favor the survival of ethnic groups, their culture and practices. In your opinion how is its compliance?

Negligent	2	3	4	Efficient

Comment

5. Who besides the Colombian State do you think should develop actions to solve these problems?

6. To what extent do you consider that international NGOs in the field contribute to improve the living conditions of some indigenous communities?

Very little	2	3	4	Very much

Comment

7. How do you think these international actors could be more effective in their humanitarian and protection?

8. How do you consider the coordination between national/international NGOs and institutional actors?

Negligent	2	3	4	Efficient

Comment

9. Do you know any cases in which State institutions have not haveaccess or have had forbidden access to communities and humanitarian actors do? Do you think this fact is positive or negative?

10. According to your experience and knowledge on the field, which specific actions can be taken to improve indigenous living conditions and to rescue their ancestral cultures?

ANNEX V

Water Quality Index (WQI)from Water Supplies within Indigenous Reservations

Indigenous Reservation	Water Supply	Physical Characteristics			Microbiological Characteristics		Floatable Substances	WQI (%)	Risk Level
		Color	Turbity	pH	Coliforme	E. Coli			
Angosturas	Firehose	8,8	0	6,17	1299	32	No	66,86	High
Bayoneros 1	Sand Filter	56,1	11	6,34	NE	NE	No	84,27	U.H.C
Bayoneros 2	Waster Bomb	329,2	66	6,19	NE	NE	Yes	91,01	U.H.C
Cajaros	Riiver	370,8	62	6,48	NE	NE	Yes	91,01	U.H.C
Cananama 1	Tank	9,8	1	6,8	NE	NE	Yes	33,71	Medium
Cananama 2	Sand Filter	335.3	56	6,69	NE	NE	Yes	80,90	U.H.C
Cananama 3	River	126	23	6,70	NE	NE	Yes	80,90	U.H.C
Caño Claro	Tank	6,3	0	6,25	>2419	3	No	66,86	High
Caño Mico	Tank	3,8	0	5,81	>2419	17	No	66,86	High
Cuiloto	Well	16,2	2	6,09	>2419	13	Yes	73,96	High
El Vigia	Water Bomb	16,2	0	6,20	>2419	>2419	No	73,96	High
Genareros	Well	4,7	0	5,44	770	2	Yes	66,86	High
Iguanitos	River	34,4	7	6,64	>2419	387	No	89,94	U.H.C
Julieros	Well	19,6	2	6,13	>2419	387	Yes	73,96	High
La Cabaña	Water Bomb	106,1	19	7,59	0	0	Yes	46,15	High
La Esperanza	Water Bomb	5,6	0	5,45	0	0	No	19,53	Medium
Marreros	Water Bomb	14,3	1	5,90	14	0	Yes	40,83	High
Parreros	Well	7,9	0	5,62	>2419	63	Yes	66,86	High
Roqueros	Well	6,6	0	5,48	>2419	58	Yes	66,86	High
Velasqueros	Well	96,9	18	6,41	>2419	58	Yes	91,72	U.H.C

Source: ESE Moreno y Clavijo.2011.Diagnóstico en Salud de las Comunidades Indígenas del Área de Influencia

U.H.C: Unfit for Human Consumption

ANNEX VI

LIST OF INTERVIEWED PEOPLE

1. **FATHER DAYSON MARIÑO**, Regional Advisor of the Early Warning System of the Ombudsman and Director of Caritas Arauca. May 22, 2012. Place of interview: Caritas Arauca. Length of the interview: 28 minutes.

2. **ISMAEL UNCASÍA,** indigenous leader and president of ASCATIDAR. May 24, 2012. Place of interview: Prison of Arauca as he was arrested the 25th of January of 2011. Length of the interview: 40 minutes.

3. **DAVID CARLOS RODRIGUEZ**, Community Ombudsman for Indigenous Affairs of Arauca and Casanare. May 25, 2012. Place of interview: Ombudsman Regional Office of Arauca. Length of the interview: duration 23 minutes.

4. **MILTON SALAZAR**, Indigenous leader and Director of the Indigenous Education Center of Cusay la Colorado. May 31, 2012. Place of Interview: Cusay La Colorada, Fortúl. Length of the interview 61 minutes.

5. **FREDY GOMEZ**, Planning Secretary of the Mayoralty of Arauca, and former advisor of UNCHR. June 13, 2012. Place of Interview: Mayoralty of Arauca. Length of the interview: 22 minutes.

6. Indigenous Advisory for UN Agency. **Name and Agency are reserved** upon request of the respondent. Julio 4, 2012. Interview made via email.