

LABOR AND HUMAN RIGHTS:
'The Real Thing' in Colombia

Report to the Human Rights Committee of the American Anthropological Association

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Being a trade unionist in Colombia is one of the most dangerous occupations in the world. More unionists are killed in Colombia than any other country. The Central Unitaria de Trabajadores—the country’s largest trade union confederation—has lost 4,000 members since its founding in 1986, including nearly all of its founders. Seventy-eight were murdered in 2003, and twenty-eight were assassinated in the first five months of 2004. Hundreds more have been threatened, forced into exile, displaced from their jobs, attacked, detained, and kidnaped. Right-wing paramilitary groups affiliated with the United Self-Defense Forces of Colombia (AUC) commit the majority of murders, and they target union leaders disproportionately.

The violence of Colombia’s decades-long civil war does not explain the dire situation faced by Colombian unionists. Murdered unionists are not the product of indiscriminate, chaotic violence, nor are they the “collateral damage” of civilians caught between warring groups. They are the victims of a calculated and selective strategy carried out by sectors of the state, allied paramilitaries, and some employers to weaken and eliminate trade unions. It is a strategy that emerges from, and is facilitated by, pervasive impunity. Of the nearly four thousand trade unionists murdered since 1986, only five people have been convicted. That represents a rate of impunity of almost 100 percent.¹ Most of the rights violations are connected to specific labor conflicts, such as strikes, protests, and contract negotiations in which selective assassinations, arbitrary arrests, detentions, unlawful searches, and anonymous threats serve as tools of labor management. Targeted and discriminate violence has not only lead to the death, exile, and displacement of hundreds of Colombian workers. It has also contributed to a climate of anti-unionism in which trade unions are associated with guerrilla insurgencies and unable to exercise their right to free association.

Multinational firms profit from the reduced effectiveness of trade unions that arises from the intimidation of workers by paramilitaries. Weak unions pose less resistance to job cuts, lowered wages, reduced benefits, and “flexible” contracts that are promoted by multinational corporations and that are emblematic of the new, neoliberal economic order. Yet in some cases multinationals do more than benefit from extra-judicial violence: they actually organize it. Such is the case with the Coca-Cola Company, according to Sinaltrainal (Sindicato Nacional de Trabajadores de la Industria de Alimentos), the food and beverage workers’ union that represents Coca-Cola workers in Colombia. On July 21, 2001, Sinaltrainal filed suit against the Coca-Cola Company and two of its Colombian bottlers in U.S. Federal District Court in Miami, charging that

they collaborated with paramilitaries to murder and terrorize workers.

This report explores the experience of Colombian Coca-Cola workers and their charges against the company and its bottlers. It is based on interviews conducted by the author with union leaders, Coca-Cola employees, and their family members in Bogotá, Barrancabermeja, Bucaramanga, Barranquilla, and Cartagena between May 23 and June 5, 2004. It also draws on conversations with members of other labor unions and lawyers associated with the Coca-Cola case, as well as secondary documentation provided by Sinaltrainal. It concludes that Coca-Cola bears more responsibility for the campaign of terror directed against its workers than the company is willing to admit and suggests steps that the American Anthropological Association can take to pressure Coca-Cola to change its business practices.

Violence and Neoliberalism in Colombia

One hundred and eighty Coca-Cola employees have suffered major human rights violations over the last fifteen years; nine have been murdered. Family members have also experienced threats, abductions, torture, and murder and, in several cases, survivors continue to suffer from post-traumatic stress disorder. Sinaltrainal has lost nearly half of its membership because of the violence and threats directed against its affiliates. Membership currently stands at about 1,400 individuals and includes laborers in Nestlé, Nabisco, and nine other companies of the food and beverage industry. The majority of workers in the industry are not unionized and work for low wages under a variety of temporary arrangements. Union membership nationwide has fallen from 12 percent of the work force in the mid-1990s to 3.2 percent today, while official unemployment has nearly doubled from 10.5 percent in 1990 to 19.7 percent today.²

The economic roots of the crisis affecting Colombian workers lie in a series of neoliberal “structural adjustment” reforms implemented by the government to satisfy the lending requirements of the International Monetary Fund and World Bank. These reforms harmed domestic industry and agriculture by making them more vulnerable to competition from powerful global corporations, and they wiped out tens of thousands of jobs. New labor legislation eroded workers’ right to collective bargaining, opened the door to more “flexible” labor arrangements in violation of International Labor Organization standards, and made unionizing a growing number of temporary workers nearly impossible. Then, in 2003, a series of “anti-terrorist” statutes further curtailed labor and civil rights by allowing the armed forces to arrest and detain people without

judicial warrant, thus legitimizing a de facto policy long practiced by the security forces against unionists and others alleged to threaten the status quo. Between August 2002 and July 2003, the security forces detained over one hundred thousand Colombians but never charged them with a crime.³

Unwarranted detentions may last for months and even years in some cases. They undermine the ability of unions to challenge anti-labor policies, and they associate legitimate protests with terrorist activities and neutralize union leaders by placing them under the control of the state. Indeed, the right-wing government of Alvaro Uribe Vélez—a strong ally of the Bush administration—demonstrates more willingness to negotiate with illegal paramilitary organizations than with legitimate labor unions, as it seeks a military solution to the challenges posed by two left-wing guerrilla groups—the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN).

Human rights organizations attribute over 75 percent of the total human rights violations committed in the country over the last fifteen years to the paramilitaries. Because of their links to the Colombian armed forces, paramilitaries are referred to as the “6th Division,”⁴ even though the government routinely denies the existence of any connection. They have diverse origins: some emerged as the private armies of well-known drug traffickers, others organized to combat guerrillas and protect ranchers in the conflicted Magdalena Medio region, and still others grew out of legal self-defense groups established by President Alvaro Uribe when he was governor of Antioquia province.

Despite their diverse regional affiliations, the paramilitaries ceased to be local phenomena in 1997, when they federated under the umbrella of the Autodefensas Unidas de Colombia (AUC). The AUC then began a coordinated campaign to defeat the FARC and the ELN and dismantle unions, peasant organizations, and other civil society groups that it labeled guerrilla collaborators. It increasingly waged a dirty war on behalf of the Colombian army, which faced intensified international pressure in the 1990s to clean up its human rights record. The paramilitary-military relationship was based on what Human Rights Watch called a “strategy of impunity” in which “supposedly ‘phantom’ paramilitaries that the military claims it can neither identify, locate, nor control take the blame for massacres and forced disappearances, allowing the military to evade responsibility...paramilitaries take the brunt of criticism for tactics taught, employed, and support by the armed forces, but which they do not openly endorse (HRW 1996: 61). It is a relationship that has been nurtured by enormous amounts of military assistance from the United States, as

Colombia is the third largest recipient of U.S. military aid in the world, after Egypt and Israel.

As the civil war deepens and the Colombian state embraces neoliberalism, the Coca-Cola Company, which has operated in the country for decades, has moved aggressively to restructure its operations by centralizing production and reducing the number of workers. Six thousand seven hundred workers lost their jobs between 1992 and 2002. Eighty percent of the Coca-Cola work force is now composed of non-union, temporary workers, and wages for these individuals are only a quarter of those earned by their unionized counterparts. Coca-Cola has consistently pressured unionized workers to resign, sometimes offering one-time payments for those who agree to leave. In 2003, it closed eleven of its sixteen bottling plants and forced workers to renounce their union contracts. Despite collective bargaining agreements that oblige it to find new jobs for displaced workers, the company has failed to fulfill its obligations, prompting a 12-day hunger strike by Sinaltrainal in March 2004 that, despite paramilitary death threats, forced management to the bargaining table. Workers, however, are not optimistic. The Vice-Minister of Social Protection, Luz Estela Arango, who is charged with ruling on the legality of the plant closures and the firings, is a former lawyer for the Coca-Cola Company.

It should come as no surprise that Sinaltrainal views the multinational's practices as part of an effort to eliminate the union and create a fearful, compliant labor force. Coca-Cola is in fact a stridently anti-union company, and the destruction of Sinaltrainal, as well as the capacity to drive wages into the ground, is one of the primary goals of the extra-judicial violence directed against workers. Sinaltrainal is also not the first union to experience the company's hardball, anti-labor tactics. Workers in the company's Guatemala City bottling plant only managed to save their union by occupying the factory for a year, when Guatemala was in the midst of a bloody civil war.⁵

Coca-Cola and Extra-Judicial Violence

The Coca-Cola Company fails to protect workers from paramilitary intimidation, and, in some cases, eyewitness accounts and abundant circumstantial evidence suggest that it is complicit with paramilitary terror. Sinaltrainal has correlated the instances of most intense violence against workers with periods of contract negotiation, and I heard testimony from dozens of workers and their families about the violence that has affected them directly or that they have witnessed. It is very clear that there is a systematic campaign to destroy Sinaltrainal's ability to defend the labor

rights of its constituents.

The most dramatic example of the terrorism directed against unionists is the annihilation, in 1996, of the local union in the town of Carepa (Antioquia), and the murder of its president, Isidro Gil, by paramilitaries. Two months prior to the paramilitary attack, workers observed the plant manager, Ariosto Milan Mosquera, meeting with a paramilitary commander in the company cafeteria. They overheard Milan Mosquera say that the paramilitaries would finish off Sinaltrainal and remark that Dorlahome Tuberquia, a union leader whom he had fired but who had been reinstated by court order, should leave the plant or suffer the consequences. Workers then began to receive threats. Sinaltrainal sent letters to both the bottling firm, Bebidas y Alimentos, and Coca-Cola of Colombia informing them of the intimidation. Yet paramilitaries subsequently took control of the plant and forced workers to sign letters of resignation from the union that were written on the company's computers. Oscar Giraldo, the former union vice-president, who witnessed the murder of Gil and narrowly escaped with his life, described the events to me.

On December 5, 1996, two paramilitaries riding a high-powered motorcycle circled the plant and shot Isidro Gil, as he prepared to leave. At the time, Gil was involved in tense negotiations with the company and had presented it with a proposed contract less than a week before his murder. Two hours after his assassination, another member of the union's directorate, Adolfo Cardona, barely evaded an attempt on his life, and that evening, paramilitaries broke into the union offices, where they looted files and set fire to the premises. As fearful members of the union directorate tried to leave town the next day, a company supervisor approached Giraldo and informed him of a meeting called by the paramilitaries in which union leaders would be given "another chance to keep working in the factory." Those individuals who attended were shown a hit list of presumed "subversives" that included themselves, and they were told that to keep their jobs, they would have to abide by the paramilitaries' rules, which made no allowance for the union. The paramilitaries occupied the plant on the following day, and Sinaltrainal ceased to exist in Carepa.

These events took place as paramilitaries tightened their stranglehold on northwest Antioquia province. They arose out of escalating violence against the union, developing ties between Coca-Cola management and the paramilitaries, and pervasive impunity. In 1994, two years prior to Isidro Gil's murder, paramilitaries killed José Eleazar Manco, a long-time Coca-Cola worker and rank-and-file unionist who refused to retire, and they dumped his tortured body in the cemetery. Then, in 1995, the paramilitaries murdered Oscar Giraldo's brother, Luis

Enrique, for his participation on the union directorate. The entire union leadership was displaced three months later because of persistent death threats. Workers subsequently organized a new directorate, which was in place less than a year before it, too, was displaced in the wake of Gil's assassination.

To date, no one has been convicted of the murders or the destruction of the union, and Coca-Cola consistently denies any responsibility for the crimes. Giraldo explained how, in the aftermath of the 1996 paramilitary attack, displaced Carepa leaders regrouped in Bogotá and lodged a complaint with the Ministry of Labor. They then met with a company representative in the ministry's offices, where, Giraldo said, they were told that "the paramilitaries have control of the plant...and that we would not get anything from them...[she told us that] if we wished, we could go to Carepa and talk to them personally." Unable to return because of threats to their lives, union leaders subsequently lost their jobs for "abandoning their place of work."

Like other displaced unionists, Giraldo has not been able to find stable employment. He earns a living in Colombia's growing informal economy, where he finds temporary construction jobs, but his family often does not have enough to eat. And even though eight years have passed since the events in Carepa, he does not feel safe. Paramilitaries abducted Giraldo in 2001, shortly after Sinaltrainal filed its lawsuit against Coca-Cola in the United States. His abductors threatened to kill him if he did not reveal the whereabouts of other displaced Coca-Cola unionists from Carepa. Although he was eventually released, Giraldo is a key witness to the murder of Isidro Gil, the attempted assassination of Adolfo Cardona, and the decimation of the local union, and he remains under threat.

While the Carepa case dramatizes the dangers faced by Colombian Coca-Cola workers and the collusion of the Coca-Cola Company with an illegal armed organization, it is by no means a unique example. There are literally dozens of cases of more recent threats against Coca-Cola laborers in several Colombian cities. On October 2, 2002, for example, unionists staged a protest at the entry to the factory in the city of Barrancabermeja, and later the same day, the vice-president of the Sinaltrainal local, Juan Carlos Galvis, saw two paramilitaries talking with management employees Reynaldo González and Martha Yaneth Orduz. When he approached González and asked if "they [management] still said that they don't talk with paramilitaries," González acknowledged that the men were paramilitaries. He told Galvis that they were clients, and that he should take his complaint to them. Galvis, who is also president of the local chapter of the CUT, has received numerous death threats and narrowly escaped an assassination attempt in

August 2003.

Arbitrary arrests and imprisonment are also tactics used against the union leadership. In the city of Bucaramanga, in 1996, the management of the local Coca-Cola bottler—Coca-Cola Embotelladora Santander—falsely accused Luis Eduardo García, Álvaro González, Domingo Flóres, Luis Javier Correa, and Alexander López of planting a bomb in the Bucaramanga plant, after the conclusion of a 5-day strike to protest the elimination of employee medical insurance. García, González, and Flóres were arrested and imprisoned for six months, until the prosecutor decided that there was never a bomb in the plant, as the company claimed, and released them. During their ordeal, the company refused to pay the men's wages, and families were thrown into an economic crisis. García maintains that his family—and especially his daughter who was only 8-years old in 1996—has still not recovered. “Two of my children were very young,” he explains. “My daughter had to be taken out of school because her little friends did not understand what was happening to me. They told her that her father was a terrorist, a criminal, and an assassin. She still suffers whenever she sees soldiers or policemen, because she thinks that they are coming to take her or one of us, and she can't sleep at night if I am not home.” Because of constant harassment, the family has moved to a new, more secure location and disconnected the telephone.

The leaders of the Coca-Cola workers are an amazingly tenacious and dedicated group of individuals, and silencing them is not easy. Although some currently benefit from a limited, state-sponsored protection program, their families remain vulnerable. Not surprisingly, many family members have been targeted as part of a strategy to intimidate and silence labor leaders. One month before my visit, paramilitaries in Bucaramanga broke into the home of Gabriel Remolina, the brother-in-law of local Sinaltrainal president Efraín Guerrero, and killed Remolina, his partner, and a child. Guerrero, who receives constant death threats and moves about town in an armored vehicle with a bodyguard, understands the murders as an attempt to terrorize him and pressure him to renounce his union activities.

One of the most horrifying stories that I heard was that of Limberto Carranza, a union leader from Barranquilla, whose 15-year old son, José David, was kidnapped and tortured in September 2003, when union leaders were in a struggle with the company over plans to close several plants and impose an “early retirement” plan on workers. The boy was abducted as he rode home from school on a bicycle. The kidnappers beat and tortured him and stated that his father was on a list of individuals whom they planned to murder. At the same time, Limberto Carranza received a phone call in which an individual said “unionist son-of-a-bitch, we are going

to kill you...and if we can't get you, we will kill your family." The psychological consequences of these attacks are devastating to both individuals and families, and José David was still suffering from post-traumatic stress disorder at the time of my interview with his father.

Other attacks on the families of union leaders include: 1) June 2002: In Barrancabermeja, three men tried to kidnap the four-year old daughter of union president William Mendoza but were stopped by her mother, who held on to the child and attracted public attention with her screams. Afterwards, Mendoza received a phone call from the local paramilitary commander who told him to stop talking against Coca-Cola and the paramilitaries and threatened his family with more attacks. 2) December 2003: In Bucaramanga, two men harassed the teenage son of national Sinaltrainal president Luis Javier Correa as he came home from school. Correa's wife has also been threatened in the past. 3) December 2002: In Bucaramanga, the son of Luis Eduardo Garcia was followed and assaulted by presumed paramilitaries, and 4) March 2003: In Barrancabermeja, the brother-in-law of Sinaltrainal vice-president Juan Carlos Galvis was murdered by presumed paramilitaries.

Coca-Cola consistently rejects accusations that it has any involvement with the AUC. Yet in addition to workers' allegations, the respected Colombian news magazine Cambio published, in 1999, a story in which it described a meeting between executives of Panamco—a bottler of Coca-Cola—and AUC leader Carlos Castaño and his lieutenant, Ramón Isaza, who commanded the AUC in the Middle Magdalena region. The meeting took place in the city of Montería—a center of Colombian paramilitarism—, where Castaño allegedly mediated a dispute between Panamco and Isaza over the distribution of the soft drink in the Middle Magdalena, where Barrancabermeja is located.⁶

Although the Coca-Cola Company acknowledges that its Colombian workers have been murdered and terrorized, management claims that it is not liable for actions that occurred at bottling plants. Bottlers, it argues, are not owned by the Coca-Cola Company, which therefore cannot control what happens in the plants. These assertions are challenged by Coca-Cola workers and their lawyers who note that the parent company regulates all aspects of production and distribution of the soft drink in Colombia.⁷ Indeed, subcontracting is an increasingly important corporate strategy to shield firms from legal responsibility for labor relations.⁸

The company's denial of any culpability would perhaps be more credible if it acted vigorously to protect the lives of its workers. Allegations that the company is complicit in the terror waged against its employees are nurtured by its legal retaliation against union leaders. For

example, the company charged some of the plaintiffs in the U.S. lawsuit with slander and defamation, although the charges were subsequently dismissed by the Colombian prosecutor as lacking merit. After the lawsuit was filed in Miami, the management of the Coca-Cola bottlers in Colombia also gathered workers together at plants around the country and urged them to reject the plaintiffs' demands. In Washington, lawyers at the International Labor Rights Fund—the organization that brought the suit on behalf of the Colombian workers—received a faxed threat from the AUC.

Conclusion and Recommendations for the American Anthropological Association

The workers' charges against Coca-Cola are numerous, horrific, and compelling. There is little doubt that employees have been persecuted for their union activities and that their family members have been terrorized for their relationships to Sinaltrainal activists. It is also quite clear that the company has not done enough to protect its employees and that it has benefitted from the weakening of Sinaltrainal. Moreover, eye-witness accounts and circumstantial evidence support allegations that company personnel have organized the murder and intimidation of Coke employees. Coca-Cola's repeated denials of any responsibility for the death and intimidation of its workers should concern the American Anthropological Association.

This report recommends that the American Anthropological Association do the following:

- 1) Support Sinaltrainal's call for an international boycott of Coca-Cola and all of its products (e.g., Coca-Cola, Fanta, Sprite, Minute Maid products, Hi-C products, Dasani water, Nestea, and Odwalla,) until the company accounts for its ties to the AUC and bargains fairly with workers. Several groups support the boycott, including the Service Employees International Union (SEIU), UNISON, the largest public service union in Great Britain, and Veterans for Peace. A number of student groups across the United States have also passed resolutions that seek to end, not renew, or not consider contracts with Coca-Cola at their colleges and universities.
- 2) Demand an end to all U.S. aid to the Colombian military.
- 3) Demand that the Colombian state sever its ties to paramilitaries and that it enact protective

labor legislation.

4) Demand that the Coca-Cola Company and its Colombian bottlers take the following measures:⁹

a) Public Statement: Issue a public statement published and broadcast in Colombia and the United States declaring that the violence against trade union leaders stop and that the AUC, as well as any other illegal armed actors, not target these individuals.

b) Create a Policy Against Collaboration with Illegal Armed Groups: Formulate a coherent policy against the collaboration of any employee, contractor, or agent of the company with the AUC or any illegal armed group. This policy would i) curtail immediately the employment of any individual who maintains contact with, or offers encouragement to, these organizations, ii) carry out an investigation of past links between Colombian management and paramilitaries and then remove any individuals found to have had ties to them. This investigation would be subject to outside review and made available to the public, and iii) conduct training with all employees in which any collusion with or encouragement of armed actors to commit anti-union violence is condemned.

c) Human Rights Ombudsman: Create the position of human rights ombudsman in every plant in Colombia. The position should be staffed with individuals who are acceptable to both labor and management. Ombudsmen should be available to hear workers' complaints about rights violations and negotiate solutions with workers and company personnel.

c) Provide Compensation for Victims: Create a fund to compensate employees and their family members who have been victimized by the AUC. The compensation program must be subject to independent review and provided whether or not the company is found legally liable for the abuses.

Endnotes

1. International Commission for Labor Rights: Colombia www.labourcommission.org

See also Escuela Nacional Sindical 2003 “Cuando lo imposible jurídicamente lo hace posible políticamente: informe sobre la violación de los derechos humanos de los sindicalistas colombianos.” <http://www.ens.org.co/infdh2003spanish/informefinalddh2003.htm>

2. Tony Avirgan 2001 “World Bank/IMF Threw Colombia into Tailspin,” Viewpoint http://www.epinet.org/content.cfm/webfeatures_viewpoints_colombia
3. International Commission for Labor Rights: Colombia www.labourcommission.org
4. Human Rights Watch 2001 “The Sixth Division:” Military-Paramilitary Ties and U.S. Policy in Colombia. New York: Human Rights Watch.
5. See Deborah Levinson-Estrada 1994 Trade Unionists Against Terror: Guatemala City, 1954-1985. Chapel Hill, NC: University of North Carolina Press, pp.176-229.
6. “Los Paras contra Coca-Cola” Cambio 16(295): 2/8/99.
7. In a recent study entitled The Real Thing: Truth and Power at the Coca-Cola Company (NY:Random House, 2004), author and *New York Times* reporter Constance L. Hays explores how the Coca-Cola Company wrested control away from the bottlers in the 1990s and how the boundaries between the parent company and the bottlers is a fiction.
Although a federal judge, in March 2003, dismissed Coca-Cola from the lawsuit filed by SINALTRAINAL, noting an absence of evidence that the company controlled the Colombian bottlers, he allowed the suit to continue against the bottlers. Sinaltrainal, however, filed an amendment to the lawsuit in 2004, after the restructuring of Coca-Cola’s bottling network in Latin America, and the case continues to wind its way through federal court. Its resolution has broad implications for corporate business practices.
8. See, for example, Edna Bonacich and Richard P. Applebaum Behind the Label: Inequality in Los Angeles Apparel Industry (Berkeley: University of California press, 2000) and Jane L. Collins Threads: Gender, Labor, and Power in the Global Apparel Industry. (Chicago: University of Chicago Press, 2003).
9. Some of these suggestions are taken from those proposed by a Canadian campaign against Coke. See www.killercoke.org/pdf/canadianlettercampaignagainstcocacola.pdf