

Bogotá, 21 February 2020

## **CERREJÓN'S COMMENTS ON THE BUSINESS AND HUMAN RIGHTS RESOURCE CENTRE'S REPORT ON THREATS TO SOCIAL LEADERS IN COLOMBIA**

First, we would like to acknowledge the Business and Human Rights Resource Centre's (BHRRC) role in promoting responsible business practices, in alignment with leading social standards, as well as advocating on behalf of vulnerable populations. We appreciate the BHRRC giving us this opportunity to comment on the excerpts included in their upcoming report regarding attacks on human rights defenders in Colombia, which will mention specific cases of threats to social leaders including some that allegedly were related to Cerrejón.

Regarding the situation of threats to social leaders in Colombia, as a company and as Colombian citizens we share the Centre's concerns. In La Guajira, we have seen an increase in threats and violence to civil rights defenders and local leaders in recent years, and we have publicly and extensively expressed our concern and condemnation of these deplorable events. We have denounced these cases to Colombian authorities as soon as we became aware of them, requesting diligent action to ensure these people are protected and that these unacceptable acts be investigated. We have zero tolerance towards any type of aggression committed against communities, employees or social leaders in La Guajira.

Nevertheless, we emphatically reject any accusation of being directly or indirectly linked to these threats. Cerrejón rejects any human rights violation or threat to any person and condemns the use of threats or attacks as mechanisms to intimidate or obtain corporate benefits.

### **Human rights due diligence process**

Cerrejón has always operated within a highly complex industry that is constantly seeking to find the correct balance between the business of mining and the most positive, productive way to coexist with our neighbours in La Guajira. We place great importance on all matters related to our corporate duty to respect human rights and have been in a process of continuous improvement dedicated to better prevent, mitigate and compensate our impacts. Our commitment to human rights is reflected in our Human Rights Policy, launched in 2005 and adjusted in 2011 to be aligned to the UN Guiding Principles on Business and Human Rights.

We have adopted leading social standards to enhance company performance, including the UN Global Compact, the UNGPs, the core ILO conventions, the performance standards of the International Finance Corporation (IFC), the Universal Declaration of Human Rights, the Voluntary Principles on Security and Human Rights (VPSHR), and the ICMM sustainability framework, among others.

Our corporate human rights due diligence process consists in identifying the social, environmental, labour and human rights risks and impacts of our activities, defining and continually improving impact management measures, constant communication with stakeholders on impact management, integration of risks and impacts in operational systems, implementation of a rights-based complaints process that addresses grievances over potential impacts by the operation and, through a participatory process, to agree on compensation if required, and the implementation of a process for verification and assurance of compliance throughout all stages.

### **Threats to social leaders**

We have responded to threats to leaders in La Guajira by immediately notifying local and national authorities and calling on them to investigate and act quickly to make sure the life, dignity and safety of these leaders is protected. From 2016 to 2019 we have acted in more than 30 cases, including those reported in the BHRRC's report.

In addition to all this, in 2018 Cerrejón and other coal producers, civil society organizations and State institutions published a joint declaration rejecting the cases of threats or attacks on social leaders throughout the country. Together we drafted a protocol to address threats against their life and integrity which defines the roles and responsibilities for local and national authorities as well as the role for companies in terms of alerting, supporting social leaders and follow-up activities. Partnering with the organization CREER (a branch of the Institute of Human Rights and Business), we are supporting a program to increase trust between different stakeholders in the territory and strengthen the ability of local authorities and the community to address these threats.

To encourage national and local Government action, we have promoted scenarios where social leaders and authorities have been able to exchange concerns and talk about challenges, with the goal of efficiently protecting La Guajira's leaders. This was the case of the meeting held by the Ministry of Interior's Timely Attention Plan for Social Leaders (*Plan de Atención Oportuna de Líderes Sociales*, PAO), held in Riohacha on October 9, 2019. In this meeting, the Ministry presented its protection plan to approximately 80 social and community leaders from the region, including leaders from the communities of Tabaco, Gran Nación Wayuu, and organizations such as the Victims Roundtable and Fuerza de Mujeres Wayuu, the Indigenous Consensus Roundtable, plus political leaders and political candidates, among others. Several government institutions participated, including the Ministry of the Interior, the Governor of La Guajira, the Regional Director of the National Unit of Protection (UNP), the highest authorities from the Armed Forces and Police departments, the MAPP/OEA (Mission to Support the Peace Process in Colombia), the Attorney General's office, the Office of the Ombudsman, the Public Prosecutor's Office and the departmental Secretariat for Indigenous Affairs.

Community leaders presented their concerns and complaints regarding the State's inaction in this matter. Cerrejón insisted on the importance of maintaining these areas for dialogue and expressed the need to strengthen local authorities as first responders for protection as well as for rapid and effective judicial investigations.

Our genuine concern for the region and its people is reflected in our ongoing efforts to not only respond to real situations which concern us all, but to proactively implement a due diligence process that has as its goals to prevent harm and maintain a permanent, open and constructive dialogue on all aspects of our work with local leaders and members of the community. We take all issues related to the life and integrity of our employees, contractors and leaders in La Guajira very seriously, and we strongly condemn any form of threat or intimidation as this is not only a direct violation of our Code of Ethics and Human Rights Policy, but more importantly is morally and ethically reprehensible.