

Medellín (Colombia), February 25, 2020

Regarding the specific sentences and paragraphs mentioning EPM:

- “Empresas Públicas de Medellín (EPM) [*and 4 other companies which will also be named*]: 44% of attacks were on defenders who raised concerns about these companies” (p. 1)
- “According to our data, the companies that were most often the subject of HRDs’ advocacy and got attacked in response to it, were Empresas Públicas de Medellín (EPM) [*and 4 other companies which will also be named*]” (p. 3)
- In 2019, the leaders of the Ríos Vivos Antioquia Movement denounced a smear campaign allegedly paid for by EPM (Empresas Públicas de Medellín), because of their activism in opposition to the hydroelectric project "Hidroituango". Their spokesperson Isabel Cristina Zuleta was especially at risk. In September 2018, two members of the movement were shot dead. The Ríos Vivos Antioquia Movement (MRV) is a human rights movement composed of 15 associations and families in the West, North, and Lower Cauca as well as Antioquia, affected by the alleged negative environmental and human rights impact of Hidroituango. The project under construction on the Cauca River is one of the largest embankment dams in Latin America. It is carried out by the EPM and reportedly impacts more than 300,000 people in 27 municipalities in the region. The region in question has historically been affected by violence and armed conflict. Response on this by the company is available [here](#) (in Spanish). (p. 3).

EPM replies the following:

It is necessary at first to make clarity on the alleged impact generated in 27 municipalities of Antioquia Region. This is because the Ituango hydroelectric project includes actually 12 municipalities in its area of influence. The delimitation of the area of direct and indirect influence of a project, work or activity that requires an Environmental License has been defined in the different regulatory frameworks that regulate that subject. In the case of Colombia, this regulatory framework is given by:

- Decree 1076 of 2015 - Through which the Regulatory Decree of the Environment and Sustainable Development Sector is issued.
- Terms of reference for the preparation of Environmental Impact Studies.
- General Methodology for the Presentation of Environmental Studies.

In relation to the Ituango hydroelectric project, the area of influence of both the Environmental License and its modifications has been determined based on what is detailed in the different environmental licensing decrees (Decree 1220 of 2005, 2820 of 2010, 2041 of 2014 and 1076 of 2015), in the terms of reference established for hydroelectric projects in force at the time (ETER - 210 of 1997, HE-TER-1-01 of 2006 and TDR 014 of 2017) and in accordance with the extent of environmental impacts identified during the preparation of the Environmental Impact Study, which demarcates the physical space that is impacted by the development of the project. This area of influence was evaluated and approved in the

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environmental licensing phase by the authorities: Ministry of Environment, Housing and Territorial Development (through Resolution 0155 of January 30, 2009, for which the Environmental License of the project was granted) and by the National Environmental Licensing Authority -ANLA- during the modifications of the aforementioned environmental instrument.

A different issue is that corresponding to Law 1523 of 2012, whereby the national disaster risk management policy is adopted, the National Disaster Risk Management System is established, and other provisions are dictated, which establishes in its articles 1 and 42 the following:

“Article 1. Disaster risk management. Disaster risk management, hereinafter risk management, is a social process oriented to the formulation, execution, monitoring and evaluation of policies, strategies, plans, programs, regulations, instruments, measures and permanent actions for knowledge and risk reduction and for disaster management, with the explicit purpose of contributing to the safety, well-being, quality of life of people and sustainable development.

Paragraph 1. Risk management is an indispensable development policy to ensure sustainability, territorial security, collective rights and interests, improve the quality of life of populations and communities at risk and, therefore, is intrinsically associated with safe development planning, with sustainable territorial environmental management, at all levels of government and the effective participation of the population.

Paragraph 2. For all legal purposes, risk management incorporates what in previous regulations has been called prevention, attention and disaster recovery, emergency management and risk reduction. (...)

(...) Article 42. Specific risk analysis and contingency plans. All public or private entities responsible for utilities provision, who carry out major civil works or develop industrial or other type of activities that may represent a disaster risk for society, as well as those specifically determined by the National Unit for Disaster Risk Management, they must carry out a specific risk analysis that considers the possible effects of natural events on the exposed infrastructure and those that derive from the damage of the same in their area of influence, as well as those that derive from their operation . Based on this analysis, they will design and implement the risk reduction measures and emergency and contingency plans that will be mandatory for them” (underlined outside the original text).

In this sense, it is clear that the risk scenarios considered during the planning of a project that can materialize, should be considered within the contingency and emergency plan, and the necessary measures will be taken to reduce the risk of affecting populations, the environment and the exposed infrastructure.

On the occasion of the contingency presented in the Ituango hydroelectric project in 2018, the project carried out the due diligence and activated the necessary mechanisms for the attention of materialized risk, in coordination and following the guidelines of the National Unit for Disaster Risk Management - UNGRD-, authority in the country in charge of the issue.

In the framework of this attention, actions have been carried out, such as providing emergency humanitarian aid (food and non-food aid, facilities adjustments, water supply and basic sanitation); economic support for people affected and evacuated families, recovery of affected infrastructure, shelter

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support; social actions; agreements with institutions for the execution of a recovery action plan; river transport through the reservoir and the land mobility plan designed to serve the communities affected by the displacement of cargo and passengers from the region; among others. The aforementioned, in municipalities downstream of the project, different from the aforementioned area of influence, with the exception of Valdivia Municipality that is part of the aforementioned area of influence (12 municipalities).

Up until today, the attention of the people affected by the contingent event continues, which includes 216 families, who are provided with continuous support in relation to restitution of living conditions, restitution of productive projects and replacement of community infrastructure. In total, the resources allocated by EPM to the contingency attention have been close to COP 141 billion (as of November 2019)

In the framework of the normal construction of the project, we have assisted in its area of influence (12 municipalities) to 2,015 people impacted, in relation to their restitution of living conditions, productive projects, social and cultural networks, and community infrastructure. Moreover, in the management of impacts and in additional social investments, we have executed resources in education, public services, health, institutionality, productive and cultural projects, employment generation, among others; in an amount close to COP 400 billion.

Regarding Antioquia Ríos Vivos Movement, it is known that it is a social group, not formalized by any figure as a legally recognized NGO, corporation or society within the country. They do not have a registry or official databases of their members, they mention they represent a significant number of organizations in the area of influence of the Ituango hydroelectric project, a number that varies in their speeches and social networks. The group formally launched in March 2012 as "Colombian Movement in Defense of the Territories and those Affected by Dams -Ríos Vivos, chapter Antioquia". From that moment on, the movement carries out protests and issues public communications through media and social networks, in which it is requested to stop the works of the Ituango hydroelectric project and / or suspend the construction of the dam by referring to social and armed conflict problems in the area.

Antioquia Ríos Vivos Movement is dedicated to exercising resistance to the Ituango Hydroelectric Project in its municipalities of influence, among which are Buriticá, Liborina, Sabanalarga, Peque, Ituango, Briceño, Toledo and San Andrés de Cuerquia. Additionally, it has sought to strengthen its capacity of work and convocation in the municipalities of Valdivia, Nechí, Cáceres, Tarazá, Cauca and the Mojana Sucreña after the contingency presented in the project, work that is known by EPM and in which there is no interference at all.

EPM and the Ituango hydroelectric project have privileged the information, communication and direct relationship with the impacted communities, understanding that there are no unique spokespersons for the territory but rather a diversity of organizations, communities and people that require such information and communication. The fact that the Movement has low representativeness at the local level can influence the receipt of the information, but it is available to the various social organizations with presence in the territory.

Among the spaces that EPM has fostered for participation and engagement with the community and authorities in the development of the Ituango hydroelectric project are:

- Public hearing prior to the granting of the Environmental License.
- Owners Assembly.
- Socializations of the Manual of Unitary Values.
- Information, consultation and dialogue with the population identified as impacted.
- Municipal Technical Roundtables.

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- Municipal Technical Committees.
- Systematic local and municipal dialogues.
- Family assemblies.
- Benchmarking in EPM hydroelectric power plants.
- 12 permanent service offices of attention to citizens.
- Regular meetings with local authorities.
- Meetings with guarantor human rights authorities in the local order.
- Migration pressure impact management committees.
- Marketing committees.
- Employment monitoring committees.
- Socializations of legal aspects of the project: license modifications and other related issues.
- Public hearing of evaluation for the modification of the environmental license of the project.
- Two-way communication channels: Radio magazine, monthly edition of 12,000 copies of the new spaper La Voz of the Ituango Project.
- Permanent information on the website and social networks of the project.
- Environmental week.
- Community Christmas celebration.

Through the established institutional mechanisms, those people or organizations that are called or self-consider as opponents or who feel or have any disagreement with Ituango hydroelectric project are also addressed and responded, understanding that although their positions may be contrary to the purposes of the project, they are valid and deserve our highest respect, in addition to the response given to requests from entities or institutions of the regional, national and international order, which inquire about particular issues that people or organizations send or disseminate.

We are aware that, through social networks such as Facebook, Twitter, blogs and websites, different organizations and people give opinions and propose debates around the company and the project, which we respect taking into account and valuing the right to freedom of expression, which is why it is not our policy to refute such manifestations unless we are officially asked about them. We maintain, however, a constant call for impartiality and objective analysis of the information based on official data. It should be emphasized that, officially, neither EPM nor the Ituango hydroelectric project have or have had any judicial ongoing process in which they are linked by alleged participation in situations of risk to the physical security of the communities.

The responsibility and diligence with which EPM acts in its operations is widely known nationally and internationally, therefore, since its adhesion to the United Nations Global Compact Principles in 2006, EPM assumed the commitment to incorporate in its practices the respect for Human Rights and in 2011 undertook the task of implementing institutional work around them, as a fundamental step in building trust relationships with all its stakeholders, understanding and addressing their concerns and in particular, providing a base that integrates the responsibility to respect human dignity through all business operations.

The decision to address human rights was made at EPM before making an explicit and formal declaration and even before the UN made public the framework on business and human rights. It was derived from the commitment to contribute to sustainable human development and to act under precepts of social responsibility, recognizing the impacts that business decisions have on society, on the basis of the Corporate Social Responsibility policy of the EPM Group.

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In compliance with the commitment derived from adhering to the Global Compact, EPM reports each year its Communication on Progress to the United Nations, which gives a detail of the actions taken to implement these principles. The report is published directly on the Global Compact page, as can be verified at the following address:

<https://www.unglobalcompact.org/participation/report/cop/create-and-submit/active/418007>

Additionally, in the following link you can verify the concept issued by the Colombian Network of the Global Compact, regarding compliance with said management:

<https://www.sostenibilidadgrupoepm.com.co/wp-content/uploads/2018/07/Concepto-COP-Grupo-EPM-2017.pdf>

The respect for Human Rights is part of the material issues that EPM has identified and prioritized in its management, in an exercise that involves its stakeholders, whose result is reviewed and adjusted annually and in this way the organization has since 2011 an Institutional Human Rights Policy that guides its business behavior and activity.

The main guidelines of the aforementioned policy are decent work, prohibition of employment of child labor, security and human rights, respect for the rights of ethnic minorities, human rights in the supply chain, no relationship with illegal groups, human rights and stakeholders, promotion of gender equality and policy compliance.

The policy, which was approved in 2012, welcomes international standards, including the United Nations Guiding Principles, is public and of free consultation and access through EPM website which can be found at the link:

<https://www.epm.com.co/site/home/sostenibilidad-epm/politicas-rse#Politica-de-derechos-humanos-1357>

Additionally, business actions are reported annually in the sustainability report that is public and can be found at the following link:

<https://www.sostenibilidadgrupoepm.com.co/>

This report has a section dedicated to the Ituango hydroelectric project where, among other issues, human rights are addressed. This material can be found at:

<https://2018.sostenibilidadgrupoepm.com.co/pdf/35.pdf>

Understanding the socio-political contexts in which the Ituango hydroelectric project is developed, the company has taken the path of socio-politically mapping its risks, including human rights risks as a specific category and as a cross-cutting aspect of risk analysis. These risks are constantly updated, as are their action plans.

Regarding due diligence actions and alleged physical integrity affectations:

In recent years and on the occasion of the transitional context in Colombia, the country has been suffering from a worrying situation that involves intimidation and threats of social leaders in the country. For this reason in a public way, EPM has issued an official statement on December 2018 to spoke on the situation that has been presented in different regions of the country and that has taken the lives of social leaders.

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Additionally, on November 20, 2018, EPM participated in a meeting convened by the United Nations High Commissioner with the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst, in which the willingness of the company in terms of due diligence was expressed regarding the situation of social leaders in the country, being the only company in the energy sector to respond to the United Nations call.

EPM is aware that the construction of the Ituango hydroelectric project is carried out in a territory of complex characteristics due to its historical circumstances, the settlement of illegal actors, phenomena associated with extractive economies, the development of illegal activities, the informal possession of the land and informality in multiple ways of relations between citizens.

It is understandable that a project such as the one carried out in a territory such as the one described, registers the presence of expressions of opposition and nonconformity. However, for EPM the construction of good relations and respect for ethnic, cultural and opinion differences are the essence of its social management. In that sense channels have been built that have shown wide acceptance and recognition by most citizens and by the authorities in the territory, as the project represents and seeks the development of municipalities as long as it acts on the impacts caused.

Aware of the importance of giving voice to the inhabitants of the region to express their expectations and disagreements regarding the project, a constant invitation is maintained to the use of the channels offered by the company to express their opinions and raise their complaints and claims. In this sense, timely response to the different requests is provided through the established institutional mechanisms (such as the Community Service Offices located in the 12 municipalities of the area of influence of the project and the Grievance Mechanism attentive to Human Rights), understanding the importance of maintaining a respectful and responsible dialogue between the project and the community, particularly with those who express concerns about a specific affectation.

From EPM and the Ituango hydroelectric project, it is understood that every position in relation to Ituango hydroelectric project is respectable, but it is clear that there are positions that are not shared and in which it is considered there is no point on which a consensus can be reached or a healthy discussion can be conducted. For this reason, in the face of radical positions and understanding that there are no unique spokespersons for the communities, the project has chosen to keep distance from radicalization and strengthen the closeness with the community in a direct way, respond the requests of the competent institutions and authorities and maintain a constant flow of information addressed to the entities responsible for the guarantee and protection of human rights (Public Ministry, Office of the State Prosecutor, Presidential Counselling of Human Rights, Office of the Ombudsman, Office of the State Procurator, Office of the United Nations High Commissioner for Human Rights, etc.) that allows the exercise of its functions with previous knowledge of the project's context and, as well as a constant call to the competent authorities in their role as supporters and protectors of communities in general.

It is known that between 2013 and 2018 there have occurred unfortunate events against the lives of people in the territory who have exercised leadership in their communities. In response to the aforementioned, EPM and the project have issued due diligence communications addressed to the Offices of the State Prosecutor, the Office of the Ombudsman and the Office of the State Procurator to investigate and clarify the facts in each case, expressing concern about the situation and urging the investigation and activation of actions relevant to the facts. The cases are known and investigated by said authorities, who in their response state that they are acting accordingly.

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It is important to clarify that there is no known formal process or petition that involves EPM or the Ituango hydroelectric project where they are accused of attacks on life and physical integrity. EPM regrets and strongly rejects any type of violence or stigmatization against communities and their leaders. So respectfully, since we are aware of events against the population that is in the areas where we operate, we exercise due diligence actions directed to the Colombian State so that it, within the framework of its functions, undertake the corresponding actions in procurement and guarantee of the rights of the people and communities that continue to suffer the scourge of the armed conflict, particularly the male and female leaders of the country. We are aware and respectful of the defense work carried out by the communities in and of their territories, as well as of the state obligations in this regard, which is why in the framework of our competences we seek institutional activation for the guarantee of rights.

As a consequence of the situation that the country has been experiencing for some time and that has taken the lives of a considerable number of leaders, the organization made public its recognition of the work that Colombia's social leaders do, as a legitimate, necessary activity and of immense value in the dynamics of strengthening democracy, coexistence and the construction of a better society for we all. In this statement EPM bluntly rejected any type of violence or stigmatization against those who lead social causes and processes and respectfully urged the Colombian State to advance the corresponding actions in pursuit and guarantee of the rights of individuals and communities, particularly the leaders of the country.

The relationship and trust with our communities matter, that is why we are concerned about the fact that dissatisfactions are linked to the project with facts that in no way relate to our business activity. We therefore make a constant call to raise complaints that are considered pertinent, with objective elements and true information, before the competent authorities, so that they have the opportunity to know and act in relation to the accusations, clearly and transparently.

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