

Bogotá, 8 June 2020

CERREJÓN'S COMMENTS ON THE REPORT FROM JOSÉ ALVEAR RESTREPO LAWYERS' COLLECTIVE TO THE TRUTH COMMISSION

Cerrejón wishes to thank the Business & Human Rights Resource Centre (BHRRC) for the invitation to respond, and to publish our statements, regarding accusations made against Cerrejón by the *José Alvear Restrepo Lawyers' Collective (CAJAR)* in its report "*The Role of Companies in Armed Conflict and Socio-political Violence*" presented before the Commission for the Clarification of Truth, Coexistence and Non-repetition.

As we have stated on many occasions, Cerrejón recognises and respects the work of civil society organizations seeking to denounce human rights violations and promote the foundations for a stable and lasting peace, based on serious, truthful and balanced information. We also understand and support the role played by the Truth Commission in clarifying the facts presented in Colombia within the context of the conflict, as well as its contribution to laying the foundations for non-repetition and peace-building in our country.

Nevertheless, in light of the report from the José Alvear Restrepo Collective, Cerrejón would like to express the business perspective on several points that are addressed and which, broadly, question business management in the context of the armed conflict in Colombia.

In the first place, we categorically reject any direct accusation or insinuation of having any relationship with or responsibility for the threats received by representatives of indigenous communities and social leaders who take a critical position towards Cerrejón's operation. The threats and harassment mentioned in the report against representatives of the El Zaíno community and members of the Wayuu organization, as well as all threats against leaders in La Guajira and the country, are wholeheartedly rejected by the Company and are of great concern to us, not only for the life and limb of those threatened but because of the effect these acts of violence have in the communities and territories.

As is the case in every society, in La Guajira there are different visions on the economic activities to be developed in the territory. In the face of this situation, Cerrejón recognizes, respects and values differences, and favours dialogue to resolve them. We have made clear that any act of violence aimed at intimidating those who oppose extractive activities, believing that it benefits the company, is not tolerated by Cerrejón, which is why we have always urged the authorities to investigate these incidents so that those responsible can be prosecuted.

This rejection has not only been demonstrated in public statements, in particular since the signing of the Joint Declaration in Valledupar in 2018 (see annex), but also in every case of threats that Cerrejón has learned about. In each of these cases, Cerrejón has requested that the authorities protect the victims and carry out all investigations to identify and prosecute those responsible. These actions are done in the framework of Cerrejón's protocol to deal with cases of threats against the life of social and union leaders and the journalists with whom Cerrejón has a relationship or who form part of the area of influence.

In addition to the above, in 2019 Cerrejón promoted a meeting of the Timely Attention Plan for Social Leaders (*Plan de Atención Oportuna de Líderes Sociales, PAO*) from the Ministry of the Interior. This was done to disseminate information on protection plans from the State for the communities in La Guajira, and so that national entities could learn about the leaders' concerns about their security. With the presence of more than 50 leaders from all over the department, this encounter shone a light on the situation in La Guajira on this matter, one that is often invisible.

Currently, and in line with this activity, Cerrejón signed an agreement with the Centre for Responsible Businesses and Enterprises (CREER), a Colombian branch of the Institute for Human Rights and Business in London, that has as its

goals to contribute to understanding the structural causes of violence against leaders, to strengthen trust among the actors in the country and to identify issues in state provisions that are blocking real protection for leaders.

This proactive action forms part of the company's human rights due diligence process implemented since the updating of its Human Rights Policy in 2011, once the United Nation's Guiding Principles on Business and Human Rights were issued.

Contrary to what was noted in the Report, far from instrumentalising international standards, Cerrejón has travelled a judicious path – certainly with opportunities for improvement – to implement corporate processes that respect the rights of our workers and the neighbouring communities. These actions form part of a serious process that identifies, on the one hand, the understanding of an environment with low governance, high levels of corruption and lack of basic needs met and, on the other, management of impacts caused by the company's operation, for which it is accountable to the authorities and open to sharing its performance with anyone interested in matters such as water, health or management of agreements with public forces.

On this last point, and as a member of the Mining and Energy Committee (CME), Cerrejón understands this scenario as a space to grow in understanding the scope and practice of the responsibilities that companies face in regard to security and human rights. This has been made possible, above all, by sharing lessons with other companies in the sector and by active participation from State entities, including the Ministry of Defense, which has made it possible to build guidelines that are respectful of the law, international social standards and human rights.

More than 15 years of efforts by the CME has resulted in the revision, from a human rights perspective, of existing agreements between companies and public forces, a practice that has embodied the mandate from the Voluntary Principles on Security and Human Rights on the need for collaborative agreements that are clear, transparent and have a human rights perspective in countries with conflicts. The objective is for this collaboration to be understood as an effort to improve security in the country for the benefit of the general population and for the companies that, as is well-known, have also experienced attacks on their infrastructure and workers in the context of armed conflict.

As such, and in line with favouring dialogue and the understanding that the companies are also actors in the country along with the communities, the State and civil society, Cerrejón is open to having a conversation with different stakeholders about its presence in the country, its performance, and its willingness to create value not only for the State and its shareholders but also for society.