

# Resettlements and Tabaco

TPR RECOMMENDATIONS	All parties should focus on what can now be done to help divided communities and otherwise affected communities share better in the positive impacts of mining at Cerrejón.	
CERREJON'S RESPONSE	In addition to the specific actions to enhance our community contribution, we also support the suggestion of the Panel to carry out a symbolic reconstruction initiative that will result in community identification and strengthening. We will work with all former residents to determine the support for such an action and what would be most relevant and valued by them.	
PROPOSED KEY ACTIONS AND PROJECTS	Build symbolic Tabaco site.	Improve living standards of Tabaco communities (New Entrepreneurial Projects for Tabaco Community)
START DATE	20-Aug-08	01-Apr-08
FINISH DATE	(original end date 12/31/2009) new date depends on various factors	01-Dec-09
PROGRESS	<p>For most of 2015, the Tabaco physical reconstruction project was quite active, with seven (7) general assemblies held in the second half of 2014 and throughout 2015. Cerrejón and the municipality of Hatonuevo took care of the assembly logistics by community request. These assemblies were an occasion for wide-ranging discussions on their future by their traditional leaders, organizations, and existing Tabaco families. The result was the reorganization of the Tabaco Pro-Relocation Committee (JSPRT, its initials in Spanish), ratifying the current members on the committee.</p> <p>Once the committee was legally ratified, the work sessions with the Oversight and Control Coordination Committee restarted as considered in the agreements, reactivating the efforts to strengthen the Tabaco physical rebuilding project. The mayor's office of Hatonuevo assigned a manager to lead the project for the municipal administration, showing evidence of its commitment to prioritizing this process. The work sessions focus on establishing mechanisms to advance the project by the agreement signatories: the municipality of Hatonuevo, Cerrejón, and the JSPRT (which is committed to involving the entire community and the various organizations within it as proof of its representativity).</p> <p>It seems that the various community groups finally agree that the village should be rebuilt on the La Cruz property, which was chosen by the community and donated by Cerrejón in 2012 for this purpose. The JSPRT is taking steps to clarify the best way to deal with the limiting technical factors (a high-risk gas pipeline).</p> <p>By agreement with the Oversight and Control Committee, the Hatonuevo Mayor's Office is heading a project to characterize the Tabaco community. This will provide data to validate the true beneficiaries and offer socio-economic information to be taken into account during the village's rebuilding.</p> <p>On March 13 of 2016, the Social Pro-Relocation Committee organized a community general assembly to announce the characterization project. In attendance at the assembly were the Mayor of Hatonuevo, the manager of the Tabaco Physical Rebuilding Project, the JSPRT, leaders of the seniors' group, representatives of the company performing the characterization, and around 200 other participants from various Tabaco families. The following commitments arose from the meeting: a) The characterization project will be given assistance by the JSPRT and traditional leaders. b) The work team must have community members supporting the field work. c) The characterization must apply to the true natives or families that used to live in Tabaco. d) Finally, at its conclusion, there must be a work session of the Coordinating Committee to announce the results and then another session with the whole community, the Mayor's Office, and the company.</p> <p>In 2016, we have engaged more with the regional government of La Guajira, which had previously shown its commitment to the physical rebuilding of Tabaco by signing a memorandum of understanding with the Hatonuevo Mayor's Office, the JSPRT, and Cerrejón in 2009.</p> <p>The Constitutional Court continues to review the tutela action presented by the Hatonuevo Ombudsman and community members represented on the Tabaco Social Pro-Relocation Committee. The case has already been ruled in Cerrejón's favour on two (2) occasions (Higher Court of Riohacha and the Supreme Court). In the tutela action, the plaintiffs requested that Cerrejón's license be suspended, that they be further compensated, and that negotiations restart with the Tabaco community retroactively applying current standards and jurisprudence. Cerrejón is awaiting the Court's ruling. During the wait for the ruling, divisions are increasing within the community. Different groups of leaders are seeking to control the physical reconstruction in expectation that the tutela action will be resolved against Cerrejón and the municipality. On one hand, there is the JSPRT, which continues to be advised by the José Alvear Restrepo Firm of Attorneys and, on the other hand, there is a group of traditional leaders advised by the former ombudsman of Hatonuevo, Pablo Segundo Ojeda.</p> <p>In the meanwhile, Cerrejón is continuing to support the Tabaco community by implementing and strengthening the social programs (see right-hand column). Cerrejón's pending commitments, the construction of the symbolic site, and the building of the street layout must all wait until this agreement is achieved and the construction of the village begins. The company has the funds set aside for this investment.</p>	<p>In 2008, Cerrejón's first aid focused on financing production projects for a period of one to eight years for 52 families in the Tabaco Self-Development Network, an investment of COP 2.3 billion. Projects included agriculture, small businesses, transportation, scholarships, and activities to strengthen community administrative capacities and cultural identity. In February 2010, Cerrejón organized a workshop focused on human rights as a first step in reconciliation amongst the Tabaco community members. In attendance were Cerrejón officials, local authorities, and over 200 members of Tabaco. The second and third meetings to strengthen community social integration were held in 2011 and 2012. In November 2013, the community celebrated its patron saint festival, with over 600 people in attendance and the participation of the Hatonuevo Mayor's Office. At this event, the community had a chance to meet and strengthen family and friendship ties, an uncommon activity these days due to their scattered residences. We are currently continuing our strengthening of social work with these families, consolidating their participation in the eight programs supported by Cerrejón and implemented with the Tabaco Network for Self-Development:</p> <p><b>1. Micro-business creation and strengthening program:</b> Business units have been created and strengthened with credits from the Tabaco Social Fund and with training sessions and consulting services. Since 2007, 105 credits have been provided for a total of three billion Colombian pesos. Of these, 27 have concluded and, as of March 2016, another 53 are in arrears of difficult recovery (63%). In December 2014, tools were approved to facilitate credit cancellation. Twenty-two projects took advantage of the strategy. Currently, alternatives are being evaluated to hand over administration of the Tabaco Social Fund to a third party (a financial institution) or to the community (a cooperative), which would be in charge of managing the business and educational credits. The organization would be formed of representatives of the various family groups comprising the Tabaco community.</p> <p><b>2. Income generation program:</b> Seeks to create economic opportunities through the provision of services and the search for alternatives to employment at Cerrejón, its contractors, and other firms in the region by analysing service demands and identifying labour profiles of human resources. Since 2011, we have managed to see 43 people hired, of whom seven are professionals, 12 are technicians, and 24 are secondary school graduates.</p> <p><b>3. Program for establishing associations:</b> Cerrejón supports the establishment of collective businesses between Tabaco community members. To date, two associations have been formed:</p> <ul style="list-style-type: none"> <li>• The Tabaco Network Farming and Livestock Producers Association (Asored-Tabaco) comprises 29 members raising cattle (meat and milk). Cerrejón has supported them through two agreements: Farming and Livestock Sector Strengthening (2010–2013) and Strengthening the Association's Production Activity and Organization (2014–2015).</li> <li>• Association of Tabaco Women's Departmental Network. This organization of 15 single mothers is dedicated to producing and marketing foodstuffs. Cerrejón has supported them through two agreements: Production Projects Development (2012–2013) and Strengthening the Association's Production Activity and Organization (2014–2015), with the latter being postponed to 2015–2016. There is currently an associative development project with 14 single mothers from the Tabaco community who are residing in southern La Guajira in the municipalities of Fonseca, Barrancas, and Hatonuevo.</li> </ul> <p><b>4. Educational program:</b> This program aims to provide opportunities to community youth to access higher education by providing scholarships and educational grants to pay registration fees (technical or professional careers), paying monthly living stipends, and providing consulting in career paths. Resources are provided by the Tabaco Network Fund. From 2007 to 2015, a total of 222 scholarships were granted, of which 105 were for higher education and 117 were for educational aids.</p> <p><b>5. Seniors support program:</b> To complement the programs organized by the municipalities of Hatonuevo and Albania in comprehensive support for seniors, Cerrejón is providing support for games, recreational activities, healthcare, and integration for 43 seniors.</p> <p><b>6. Healthcare program:</b> This program aims to facilitate the participation of Tabaco families in the healthcare days held through the agreement between Cerrejón's Healthcare Program (Social Engagement Division) and the Hospital Nuestra Señora del Carmen in Hatonuevo. From 2010 to 2016, an average of 156 people have been seen each year. In addition, a further 308 people have been seen in three Mobile Healthcare Clinics held in 2009 (210), 2011 (50), and 2014 (48).</p> <p><b>7. Recreation, Culture, and Sports program:</b> Training and technical orientation for Tabaco children living in Albania and Hatonuevo to develop skills and abilities in music (instruments, voice, and dance) and sports (football and five-a-side football) to strengthen their academic and physical abilities. There are currently 39 students in the music program from Albania and 31 from Hatonuevo, 26 dance students in Albania, 20 students in the football program, and 10 students in the five-a-side football program.</p> <p><b>8. Tabaco physical rebuilding</b> — information in the column on the left.</p>
STATUS OF IMPLEMENTATION	RISKS TO COMPLETING PROJECT AS PLANNED BUT MAKING PROGRESS	COMPLETED

# Resettlements and Tabaco

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<p>TPR RECOMMENDATIONS</p>	<p><b>7</b> Cerrejón should recognize that resettlement processes based on international standards should be triggered not only when physical resettlement is required, but also when a community is affected by the very proximity of the mine and its impact on other communities.</p>	<p><b>8</b></p>	<p>A broad conception of "affected community" must be embraced by Cerrejón as a key driver of its approach to both resettlement and good neighbourliness, including how it deals with communities who are "affected" but not "displaced".</p>
<p>CERREJON'S RESPONSE</p>	<p>Cerrejón agrees with the Panel that resettlement may be appropriate where a community is adversely affected by the indirect impacts of mining. This concept has now been incorporated in our resettlement principles.</p>		
<p>PROPOSED KEY ACTIONS AND PROJECTS</p>	<p>Issue new resettlement policies statement.</p>	<p>Develop and agree with the affected communities timelines for their resettlement processes.</p>	<p>Develop indicators to measure current living standards of communities to be resettled and identify key actions that will improve these.</p>
<p>START DATE</p>	<p>16-Jun-08</p>	<p>01-Jan-08</p>	<p>20-Aug-08</p>
<p>FINISH DATE</p>	<p>30-Sep-08</p>	<p>(original end date 9/30/2008) new end dates will result from new dialogues</p>	<p>2/10/2009 new expected date 3Q 2012</p>
<p>PROGRESS</p>	<p>This is our statement: Cerrejón follows World Bank (WB) and International Finance Corporation (IFC) guidelines. We see resettlement as an opportunity for dialogue with local communities, improvement of their living standards and building social capital. We expect the on going resettlement processes to strengthen sustainable development in La Guajira.</p> <p><b>Roche:</b> Of the 25 families eligible for relocation, 17 moved in 2011, another five relocated in 2014, and one more moved in 2015. The agreement signed on Oct. 2 of 2015 was not honoured by the last family, which did not move from the site of origin in December as agreed to. Therefore, we requested that the San Juan del Cesar judge reactivate the early handover proceedings for the property. Accordingly, the Barrancas judge set February 24 of 2016 as the proceedings date. The judge concluded the handover that day in the presence of the Barrancas Municipal Ombudsman and representatives from the Public Prosecutor's Office, the Public Ombudsman, and other State institutions. The family is now living in their house in New Roche, receiving the support of the post-resettlement programs.</p> <p><b>Patilla and Chancleta:</b> The 46 Patilla families eligible for relocation have been at the new site since June of 2012, and an agreement has been signed with another 31 families not eligible for relocation. In the case of Chancleta, 38 of the 47 families eligible for relocation have been living at the new site since 2012, and another 23 agreements have been signed with families not eligible for relocation. Cerrejón continues to support the post-resettlement processes with educational aid and seniors benefits, educational strengthening, paying for electrical power, consulting for production projects, and infrastructure maintenance. The families remaining at the site of origin filed a tutela action (lawsuit for the protection of fundamental rights) against Cerrejón in March of 2014. In order to reach an agreement with these families, in mid-2015, we began negotiations with the plaintiffs' attorney. In December, we signed an agreement in the form of a memorandum of understanding. In 2016, the agreement began to be implemented for the relocation of all the families and the acquisition of 95% of the uninhabited lots. However, in March 2016, the Constitutional Court ruled on the tutela action and ordered a prior consultation with the community. Therefore, execution of the agreement was halted, and planning started on the consultation process in conjunction with the Ministry of the Interior.</p> <p><b>Las Casitas:</b> Relocation agreements have been signed with 52 of the 62 families living in the village centre and surrounding rural area (entitled and not entitled to resettlement). Of the 31 families eligible for relocation, agreements have been reached with 26, of whom 22 have already moved to the new settlement and are benefiting from the post-resettlement programs. Talks continue with the remaining resident families as well as steps to acquire the rural properties. In July 2014, after assessing the commitments subscribed to in contracts with the State, Cerrejón initiated an expropriation process of the properties and improvements that are a priority for mining. The National Mining Agency (ANM, its initials in Spanish) approved the requests, performed technical visits to the properties, and produced the assessments. We are currently awaiting the expropriation ruling since some landowners have presented appeals for a reversal. Cerrejón notified the families in a timely fashion of this process, and we have emphasized that direct negotiations remain our preferred option.</p> <p><b>Tamaquito II:</b> The 31 families have been at the new settlement since August 2013, and we have been working together on self-sustainability at this new site. A water pipeline was built between the new well drilled at the end of 2014 and the drinking water treatment plant in order to switch sources for drinking water in response to a community request. The project is currently being tested and fine-tuned for operations. In February 2015, Cerrejón handed over the title deeds, giving the Tamaquito II community ownership of the 300-hectare La Liga property and its improvements. We are also currently supporting its petition to be considered an indigenous reservation. Furthermore, in December 2015, we signed a memorandum of understanding with the Governing Council that included a jointly prepared timeline to conclude pending commitments, which are currently being met.</p> <p><b>Leaders Roundtable for Roche, Patilla, Chancleta, Las Casitas, and Tamaquito II:</b> By the end of 2015, we had held 87 meetings with leaders of the resettled communities, Cerrejón representatives, and the Barrancas Municipal Ombudsman. The resulting agreements include updating the regulations for educational aids, progress on reaching agreements on consulting for production projects, house maintenance, and comprehensive water solutions for drinking and for production projects. At the end of 2015, work finished on a water uptake structure to transport water from the Rancheria River to the water treatment plant supplying the resettlements of Roche, Patilla, Chancleta, and Las Casitas as well as providing water for the production projects. At the start of 2016, the communities of Patilla and Chancleta requested that Cerrejón halt the Leaders Roundtable sessions as they felt the members were not representative of all the families. As a result of several talks, we agreed to work with the representatives of the Community Action Committees, which are mainly elected by community assembly. The Roundtable sessions restarted in April and included the representatives elected by each of the resettled communities.</p> <p><b>Educational programs:</b> The educational reinforcement program seeks to promote skills, knowledge, and abilities in students in order to facilitate their access to institutions of higher education. It also includes career choices orientation and training in TICs for adults. As of December 2015, 366 people had participated in different parts of the program. In April 2016, 113 are receiving education aids (registration fees and monthly living stipends) to pursue university careers, vocational training, technology courses, and Master's courses in various institutions around the country. As of December 2015, 23 students have graduated (2 university graduates and 21 technicians).</p> <p>In the first half of 2009, the technical consultant Asicom undertook an initial assessment on the standard of living, capability for self-administration, and equity capital of the communities undergoing resettlement. In the second half of 2011, Cerrejón decided to use the poverty measurement methodology adopted by the Colombian government, which includes the multidimensional poverty index generated by the United Nations Development Programme (UNDP) and the University of Oxford. This is a more complete indicator that provides a multidimensional perspective of people living in poverty, thereby allowing clear identification of where strategies and resources should focus in order to improve their standard of living.</p> <p>In August 2011, this indicator was implemented for the community of Roche with data from the socio-economic baseline provided in 2010 by the Social Capital Group consultant and complementary information from the Codesarrollo Foundation from the community's site of origin. Subsequently, the indicator was measured at the new Roche site. The results reveal a very significant improvement in the standard of living of the resettled community. They have also allowed us to identify significant aspects requiring extra actions aimed at improving the community and its sustainability. Similar measurements are planned for the communities of Patilla, Chancleta, Tamaquito, and Las Casitas prior to and after relocation. Subsequently, each community will be regularly monitored in accordance with this methodology in order to provide a timely ranking of improving trends in the standard of living of each community at its new site.</p>		
<p>IMPLEMENTATION STATUS</p>	<p>COMPLETED</p>	<p>Level of completion to be determined depending on new community dialogues</p>	<p>COMPLETED</p>

# The Wayuu - Culture and Employment

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TPR RECOMMENDATIONS

Attempting to reunite the community at Media Luna, at least socially if not physically, should be a priority for the management of social impacts at Correjón.

CERREJON'S RESPONSE

The Panel's recommendation is supported but clearly also requires the consent and participation of the Wayuu clans involved. Correjón management will facilitate discussions with the clans to determine their aspirations. In consultation with the community, a support program will be developed for implementation within 6 months.

PROPOSED KEY ACTIONS AND PROJECTS

Develop and implement a home improvement program.

Build a health center.

START DATE

02-Feb-08

01-Mar-08

FINISH DATE

30-Dec-09

30-Dec-08

PROGRESS

In December 2015, the pilot house was handed over to Mr Julio Pushaina, the traditional authority of Pioura whom the community had chosen to be the first recipient. Correjón's Materials Department awarded the tender to a new contractor for the construction of the remaining 20 houses within eight and a half months. The contractor began on February 17 of 2016 and is to finish by mid-October. Work has been completed on the foundations of 15 houses, and on three of them the walls are already going up. Thirteen young people from the community were financed by Correjón for training with the Correjón Institutional Strengthening Foundation and the SENA (National Education Service) Regional Guajira and have been hired on the project as assistant workers. The construction works have been licensed by the Uribia mayor's office. This project will benefit 27 families in the communities of Pioura and Piourekat in Media Luna.

As concerns the Kamüsüchiwo'u request for land, Correjón still wishes to review the issue with the central government in order to respond jointly to the community. For the first half of 2016, we are planning to review the matter internally and then share our views with Inocoder and the Ministry of the Interior before replying to the community.

Water continues to be delivered to the Media Luna communities, with a 210 m<sup>3</sup> capacity water tanker making weekly deliveries from the Puerto Bolívar desalination plant. In addition, since the declaration of a state of emergency due to the drought in La Guajira in April of 2014 (which continues to this day), we have been sending 140 m<sup>3</sup> of water in tankers every week to the 52 communities in Sector IV of the railway corridor (km 119-143). This support also benefits the 850 children of the Kamüsüchiwo'u educational institution, 110 children at the ICBF kindergarten, 110 children at the CDI, and the Media Luna healthcare centre. Furthermore, since the end of March of 2016, and during 1 month, 150 m<sup>3</sup> of water are being delivered weekly to the UNGRD (National Unit for Disaster Risk Management) to alleviate other communities in the municipality of Uribia. A total of 500 m<sup>3</sup> of water are being delivered every week.

Correjón supported the Kamüsüchiwo'u community in building a fence around the cemetery and raising a thatched-roof shelter and a kitchen. The latter works were performed by the community's ALEDWAYUU Foundation, as recommended by the traditional authority.

As part of the agreement between Correjón and Conservation International, the following activities were undertaken: hiring of a local marine biologist consultant from the community of Puerto Estrella to coordinate field activities, hiring and training seven individuals chosen by the traditional indigenous authorities in the area to gather fishing data, five (5) meetings to prepare a fishing agreement, and 22 meetings with the traditional Wayuu authorities from five communities in the Media Luna sector.

In addition, we continue to fund the following social programs:

**Healthcare:** A doctor works with the mobile unit for the Extramural Care Program, which benefits 49 communities from km 119 of the railway corridor to Media Luna. We also provide ongoing support for the Hospital to maintain the Rural Doctor assigned to the healthcare centre. In the first quarter of 2016, there were 478 healthcare activities benefiting an estimated population of 1,409 in Media Luna and 1,088 in Sector IV of the railway corridor. The activities included basic healthcare, promotion and prevention programs, house calls, and referrals to larger centres. A total of 285 lives have been saved since this program was instituted. As part of a program to address malnutrition, a Paediatrics Day was held in Cabo de la Vela in conjunction with the Colombian Air Patrol; it was organized by UNICEF, the Ministry of Health, and the Uribia Hospital. In Media Luna, 100 children were seen, and 10% were marked for monitoring due to nutrition problems.

**Education:** Seven students from communities in Media Luna and Sector IV of the railway corridor are participating in Correjón's Educational Excellence Fund, which supports La Guajira secondary school graduates in accessing higher education. They receive academic and financial support for registration fees and living expenses.

**Sports:** Correjón hired a coach to run a sports program in the communities neighbouring the Puerto Bolívar operations. The program includes theoretical-practical workshops in sports training, leadership, and values, provided weekly to young children, teens, and adults in Media Luna, Sector IV, and at the Kamüsüchiwo'u Ethno-Educational Institute. The program in sports leadership training continues to run. Eighteen members of neighbouring communities are promoting sports in their communities, thereby benefiting 400 children.

**Music:** Music workshops for comprehensive training are held for 350 children using the Orff music initiation method and the choral technique. Correjón has assigned a music teacher to provide these extra-curricular activities three times a week.

**Corporate volunteering program:** This program is organized by Correjón and aligned with the company's strategic goals. Thirty-two employees in Puerto Bolívar support infants in the area with recreational activities and the donation of clothing to the 103 children attending the Early Childhood Comprehensive Care Centre. This Centre opened its doors in October 2015 under an agreement between the ICBF and the Media Luna Traditional Authorities Association.

Both a health center and a nutrition service center were built by August 2009.

In recent years we have strengthened the Media Luna health center by enhancing the building, repairing the well, providing water system and elevated tank giving medical equipment and instruments such as the dentist unit that includes required instruments and an electric plant.

A Mobile Health Unit was assigned to the area to strengthen promotion and prevention activities, general medicine attention, prebirth care and child development and growth.

Correjón's intervention in Media Luna goes beyond these two tasks. We have structured an integrated proposal addressing health, education, infrastructure (water, housing) and income generation. Some of the specific components have already been consulted with the communities.

STATUS OF IMPLEMENTATION

BEHIND SCHEDULE

COMPLETED