

Resettlements and Tabaco

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RECOMMENDATIONS OF THE REVIEW PANEL

All parties must focus on what can be done now to help communities that are divided or affected in any other way so that they may better enjoy the positive impacts of Cerrejón mining.

CERREJÓN'S RESPONSE

In addition to specific actions to improve our contributions to the community, we also support the Review Panel's suggestion to carry out a symbolic reconstruction initiative that would aid in strengthening the community and in its self-identification. We will work with former residents to determine the support such an action would have and to find out what would be most relevant and valuable for them.

KEY ACTIONS PROPOSALS AND PROJECTS

Build the symbolic Tabaco site

Improve the standards of living of the Tabaco community (new business projects for their community).

START DATE

20-AUG-08

01-APR-08

END DATE

31-Dec-09 New date depends on various factors.

01-Dec-09

PROGRESS

The detailed engineering studies of the community centre were finalized in November of 2017, and everything is ready for construction to start.

The municipality of Hatonuevo continues to be in the tender process for the definition of the regulations for the soil use for the La Cruz property in order to identify the areas of possible siting for the village centre.

The population survey (carried out by community family groups) is going on at the same time, and it is expected a complete population census will be completed soon.

The Constitutional Court continues to review the application for the protection of constitutional rights (tutela action) presented by the former Ombudsman of Hatonuevo and community members represented on the Tabaco Social Pro-Relocation Committee. We are still awaiting the final decision in this case, which has been ruled in Cerrejón's favour in the first two instances.

Cerrejón's first support in 2008 focused on the financing of production projects 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. Cerrejón supported three workshops to promote the community's social reconciliation and integration (in 2010, 2011, and 2012). We are currently continuing to strengthen the social work with the families, consolidating their participation in the eight programs supported by Cerrejón and implemented with the Tabaco Network for Self-Development:

1. Micro-business creation and strengthening program. Business units have been created and strengthened with credits from the Tabaco Social Fund and with training sessions and consulting services. Since 2007, 108 credits have been provided for COP three billion. Of these, 27 have concluded and, as of October 2016, there is a significant increase in delinquent accounts (89%), resulting in an important loss of assets for the funding of future credits and thereby limiting the fund's impact. Currently, alternatives are being evaluated to hand over administration of the 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 of Tabaco.

2. Income-generation program. This program 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. Since 2011, we have managed to see 45 people hired, of whom seven are professionals, 14 are technicians, and 24 are secondary school graduates.

3. Program for establishing associations. Cerrejón supports the establishment of collective businesses amongst Tabaco community members. To date, two associative companies have been formed:

The Association of Farming and Livestock Producers of the Tabaco Network (Asored-Tabaco) is an organization comprising 29 members who raise cattle for meat and milk. Cerrejón has supported them with two agreements: Farming and Livestock Sector Strengthening (2010–2013) and Strengthening the Association's Production Activity and Organization (2014–2015). With this initiative, 28 community families have been included in the Ministry of Agriculture's Hortofruiculture Program to be established at the La Cruz ranch. As of October 2016, five plots have already been covered with netting. This project covers technical assistance, training, supplies, seeds, and marketing of harvests. Each production unit is worth COP 28 million.

• Association of Tabaco Women's Departmental Network. This organization of 15 single mothers is dedicated to producing and marketing foodstuffs. Cerrejón has supported them with two agreements: Production Projects Development (2012–2013) and Strengthening the Association's Production Activity and Organization (2014–2015), with the latter being extended to 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. Under this initiative, the women's group launched the Tamú restaurant in August of 2016. In March of 2016, the Women's Association filed a project with the Embassy of Germany to strengthen their food production and marketing. There has been no response as yet.

The Asored-Tabaco and the Tabaco Women's Association participated in the first phase of the Supplier Development Program run by the Cerrejón Foundation for Progress in La Guajira, which strengthened their management, administrative, production, and marketing practices.

4. Educational program. This program aims to provide opportunities to community youth to access higher studies by providing scholarships and educational grants to pay registration fees in higher education (technical or professional careers), paying monthly 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.

5. Seniors support program. 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 community seniors.

6. Healthcare program. 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 annual average of 156 people have been seen. In addition, a further 308 people have been seen in three Mobile Healthcare Clinics held in 2009 (210), 2011 (50), and 2014 (48).

7. Recreation, Culture, and Sports program. Training and technical orientation for Tabaco children residing in Albania and Hatonuevo to develop skills and abilities in music (instruments, voice, and dance) and sports (football and microfootball) to strengthen their academic and physical abilities. There are currently 39 students in the music program in Albania and 31 in Hatonuevo, 26 dance students in Albania, 20 students in the football program, and 10 students in the microfootball program.

8. Tabaco physical rebuilding — information in the column on the left.

IMPLEMENTATION STATUS

Risk of not completing project as planned, but progress is being made.

Completed

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RECOMMENDATIONS OF THE REVIEW PANEL

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Cerrejón must recognize that resettlement processes based on international standards should be established not only when a physical resettlement is required but also when communities are impacted by a mine's proximity and their impact on other communities.

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A broad definition of "impacted community" must be embraced by Cerrejón as a key incentive of its focus on both resettlement and being a good neighbour, including how it treats communities that feel they are "impacted" but are not "displaced".

CERREJÓN'S RESPONSE

Cerrejón agrees with the Review Panel that it may be necessary to carry out a resettlement when a community is adversely affected by indirect mining impacts. This concept has been incorporated into our resettlement principles.

KEY ACTIONS PROPOSALS AND PROJECTS

Issue a new resettlement policy statement.

Develop and agree upon timelines with affected communities for their resettlement processes.

Develop indicators to measure the current standards of living of the communities to be resettled and identify key actions to improve them.

START DATE

16-June-08

01-Jan-08

20-Aug-08

END DATE

30-Sept-08

Original end date 9/30/2008. New deadlines will depend on dialogues.

10-Feb-09

PROGRESS

This is our statement: Cerrejón follows the guidelines of the World Bank (WB) and the International Finance Corporation (IFC). We conceive of resettlement as an opportunity for dialogue with our local communities, for improving their standards of living, and for the creation of social capital. We hope that the resettlement processes in course will strengthen the sustainable development of La Guajira.

Roche. The 25 families eligible for relocation are at the new site. Cerrejón continues to support them during the post-resettlement period, including the family of Tomás Ustate, whose households were the last to relocate after an expropriation process. The situation at the property is the same as in the previous report. The consultation situation with this community is as follows:

With the 25 resettled families to determine the type of property ownership of the assets received (collective or joint freehold). The consultation was closed by the Ministry of the Interior with no agreement since the community could not agree amongst themselves on the type of property (individual or collective).

b) With all the families that sold their properties between 1997 and 2003 to receive the same treatment as the resettled families. In April of 2018, an agreement was reached on the number of families that will receive the same compensation as the resettled families.

Starting from an initial claim of 514 people, an agreement was reached that 33 families complied with the criteria previously agreed to between the parties. Cerrejón initially considered that 27 families were eligible, but later agreed that another six families also met the requirements.

Patilla and Chancleta. The 46 Patilla families eligible for relocation moved to the new site in June 2012. In the case of Chancleta, 38 of the 56 families eligible for relocation relocated to the new site starting in 2012. Nine families decided to relocate to other settlements and the remaining nine families signed the formal agreement resulting from the prior consultation in December 2016 and relocated individually. The families that relocated to new sites continue to receive the agreed-on post-resettlement benefits.

In the Patilla and Chancleta application for the protection of constitutional rights (tutela action), two of the 60 families did not accede to the agreements reached in the prior consultation process. These two families filed a motion of contempt. However, the judge ruled that the families must accept the results of the agreement. Cerrejón has already completed 100% of the payments. With respect to the families pending that did not accept the agreement, once the payment is allocated, we will request that the properties be delivered into the hands of the authorities.

Las Casitas. 100% of the resident families in the urban and rural areas (62) signed the relocation agreements and moved from the site of origin avoiding the expropriation process. The relocated families continue to receive support from Cerrejón and the programs set out in the resettlement agreements. The construction of the water lines for production projects has concluded and is now operational to carry water to the community's individual and collective projects.

Drinking water for Roche, Patilla, Chancleta, and Las Casitas
The drinking water treatment plant has now been upgraded to collect water from the uptake point on the Ranchería River. The water quality was determined by an independent laboratory (Nancy Flórez) and duly authorized by Colombian authorities, with results yielding a 0 on the IRCA index, the best possible result, guaranteeing optimal-quality water. It is a great pity that the Chancleta families opposed the cleaning of the water mains, which would have provided them with better-quality water.

Water for production projects in Roche, Patilla, Chancleta, and Las Casitas
The water pipelines and other infrastructure for irrigation of the plots of land delivered to families for farming and livestock projects are not completed. Corpogujaira granted permission to use river water for irrigation. Consequently, these families now have sufficient water for farming and livestock projects of their choice on the plots of land received as part of the compensation.

Tamaquito II. The 31 families living at the new site since August of 2013 are receiving the agreed-on social programs. Their collective production project is progressing nicely, with the installation of corrals for cattle and goats and the preparation of land for farming. The second water treatment plant is in operation and is providing the community with high-quality water. The water quality is monitored by an independent laboratory hired by the Tamawin Users Association. In addition, support continues to be provided for the community to be granted status as an indigenous reservation. Educational programs. As of 2018, a total of 243 people from resettlements have accessed benefits for higher education, of whom 89 have already graduated.

An international consulting firm (Intersocial) has been commissioned to determine clearer indicators on the status of families before and after resettlement in order to identify gaps and define actions to support the restoration of their livelihoods. The definition and measurement of the indicators is expected to be completed in 2018, and work will then begin on implementing the actions defined.

IMPLEMENTATION STATUS

Completed

The level of compliance will depend on new community talks

Completed

The Wayuu — Culture and employment

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RECOMMENDATIONS OF THE REVIEW PANEL	Do whatever possible to bring together the community of Media Luna (at least socially if not physically) should be a priority to manage Cerrejón's social impacts.	
CERREJÓN'S RESPONSE	We support the Review Panel's recommendation, but it clearly requires the consent and participation of the Wayuu community involved as well. Cerrejón's management will help organize talks with the clans to learn what their aspirations are and to define areas in which Cerrejón could support the community in reaching their goals and in resolving their socio-economic concerns. A support program will be developed based on community consultation and to be implemented within six months.	
KEY ACTIONS PROPOSALS AND PROJECTS	Develop and implement an internal program for improvement.	Build a healthcare clinic.
START DATE	02-Feb-08	01-Mar-08
END DATE	30-Dec-09 (new date scheduled 30-Nov-2016)	30-Dec-09
PROGRESS	<p>The two houses pending construction in Uribia by Cerrejón have been completed on the land donated by the Uribia mayor's office. They have been delivered to the two families, thus completing 100% of this commitment.</p> <p>As concerns the Kamusuchiwo'u request for land from the reserve area, Cerrejón has made a decision that it will share with the central government (National Mining Agency and the Ministry of the Interior) and then so inform the community.</p> <p>Distribution of water by truck tankers continues to the Media Luna communities. A total of 210 m3/week is distributed from the Puerto Bolívar desalination plant. This support also benefits the 850 children of the Kamusuchiwo'u educational institution, 110 children at the ICBF kindergarten, 80 children at the CDI, and the Media Luna healthcare clinic. In addition, since the declaration of a state of emergency by the mayor of Uribia due to the drought in La Guajira in April of 2014 (which continues to this day), we have been sending 140 m3 water tankers every week to the 55 communities in Sector IV of the railway corridor (km 119–143). A total of 350 m3 of water are being delivered every week to this zone.</p> <p>Furthermore, we continue to support sports, recreation, and culture initiatives.</p>	<p>In August of 2009, a healthcare clinic and a nutritional recovery centre were built.</p> <p>In recent years, the centre of Media Luna has been strengthened through upgrades to installations, reservoir repairs, hydraulic installations and an elevated tank, and donated materials that include a dentistry unit with complete instruments and a fuel-powered electrical power plant. A Mobile Healthcare Unit was assigned to promotion and prevention activities, general medicine consultations, prenatal care, and growth and development.</p>
IMPLEMENTATION STATUS	Cerrejón's intervention in Media Luna goes beyond these two tasks. We have organized a comprehensive proposal aimed at healthcare, education, infrastructure (water and housing), and income generation. Certain specific components have already been discussed with the communities.	
	Completed	Completed