

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

Since the last TPR report in April of 2016, meetings have continued between the community leaders, social organizations, families, members of the Tabaco Social Pro-Relocation Committee (JSPRT, its initials in Spanish), Cerrejón, and representatives from the Hatonuevo Mayor's Office in the search for agreements to progress in rebuilding the village. This year, the Oversight and Control Coordination Committee has held ten meetings on the reconstruction process and meetings with the coordinators of the community's three sectors.

As a result of this joint work, in May of 2016, the municipality of Hatonuevo requested that Cerrejón hand over all of the La Cruz property so that it is legally authorized to begin investing public funds in a community space. In addition, the Tabaco community sent Cerrejón a request for the company to begin construction of the community centre to galvanize the physical and social reconstruction through the joint management of resources. In October of 2016, Cerrejón officially responded by notifying the municipality of Hatonuevo of its intention to deliver the remaining 175 hectares of this property as a donation with a specific end. At the same time, we began joint work with the three groups representing the community to prepare the concept and detailed designs for the community centre. The property was visited as well as other centres in the region while a topographic survey and soil studies were also carried out. The design is expected to be finished and delivered by January of 2017.

It is important to note that Cerrejón is starting construction of the community centre at the community's request, not due to the start of the village reconstruction by the mayor's office (as was reported previously would mark the beginning of construction).

In the meanwhile, Cerrejón is continuing to support the Tabaco community by implementing and strengthening the social programs (see right-hand column).

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. This case has already been found in favour of Cerrejón in two (2) prior rulings (Riohacha Higher Court and the Supreme Court). In the tutela action, the plaintiffs are requesting 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.

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 strengthening 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, 105 credits have been provided for COP three billion. Of these, 27 have concluded and, as of Oct./16, 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. 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.
- 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, 45 people have been hired.
- 3. Program for establishing associations.** Cerrejón supports the establishment of collective businesses between Tabaco community members. To date, two associative companies have been formed:
 - Association of Farming and Livestock Producers of the Tabaco Network (Asored-Tabaco). This organization of 29 members, has been supported by Cerrejón with two agreements: Farming and Livestock Sector (2010–2013) and Association's Production Activity and Organization (2014–2015). 28 families were included in the Ministry of Agriculture's Fruit and Vegetable Program to be established at the La Cruz ranch. This project includes 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 and has received support for two programs: Production Development (2012–2013) and Association Strengthening (2014–2016). This group launched the Tamú restaurant in Aug./16. In March of 2016, the Women's Association filed a project with the Embassy of Germany to strengthen their food production and marketing initiative. There has been no response as yet.
- 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 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 average of 156 people have been seen every year. In addition, a further 308 people have been seen in three Mobile Healthcare Clinics held in 209 (210), 2011 (50), and 2014 (48).
- 7. Recreation, culture, and sports program.** Technical training and orientation for Tabaco children and teens residing in Albania and Hatonuevo to develop their skills and abilities in music (instrument, song, and dance) and sports (football and mini-football) to strengthen their academic and physical skills. There are currently 39 music students in Albania and 31 in Hatonuevo, 26 dance students in Albania, 20 participants in the football program, and 10 participants in the micro-football program.
- 8. Physical reconstruction of Tabaco:** information on the left column.

STATUS OF IMPLEMENTATION

RISKS TO COMPLETING PROJECT AS PLANNED BUT MAKING PROGRESS

COMPLETED

Resettlements and Tabaco

TPR RECOMMENDATIONS

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Carrejón 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.

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A broad conception of "affected community" must be embraced by Carrejón 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".

CERREJON'S RESPONSE

Carrejón 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.

PROPOSED KEY ACTIONS AND PROJECTS

Issue new resettlement policies statement.

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

Develop indicators to measure current living standards of communities to be resettled and identify key actions that will improve these.

START DATE

16-Jun-08

01-Jan-08

20-Aug-08

FINISH DATE

30-Sep-08

(original end date 9/30/2008) new end dates will result from new dialogues

2/10/2009 new expected date 3Q 2012

PROGRESS

This is our statement: Carrejón 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.

Roche. 24 of the 25 families eligible for relocation moved between 2011 and 2015. Carrejón continues to provide post-resettlement support. Since the agreement signed on Oct. 2/15 was breached by the last families still at the site of origin, we requested the San Juan del Cesar Court to reactivate the early handover of the property. The proceedings were carried out by the judge on Feb./16 in the presence of local authorities. This family moved into the house in new Roche, but it has refused to accept the land agreed to for their livestock. In fact, in the eight months since the judge's order to withdraw their animals from the original property, it had still failed to do so. Consequently, in July the judge determined that the livestock should be sold to prevent their suffering ill health due to lack of proper care, and Carrejón should deposit the proceeds in an account for the family. The sale is underway. **Patilla and Chancleta.** All of the 46 Patilla families eligible for relocation moved to the new site in June/12. Relocation agreements have been signed with 31 non-eligible families. In the case of Chancleta, 38 of the 57 families eligible for relocation have been living at the new site since 2012, nine other families decided to relocate to other villages, and another 23 agreements have been signed with families not eligible for relocation. Carrejón continues to provide post-resettlement support. **Patilla and Chancleta tutela action.** The families remaining at the site of origin filed a tutela action in March/14. In mid-2015, negotiations began with their lawyer, and in Dec. we signed an agreement with them. However, in March/16, the Constitutional Court ruled on the review of the tutela action and ordered that a prior consultation be carried out with the community based on its self-definition as African-Colombian. Therefore, execution of the agreement was halted, and the consultation process began in conjunction with the Ministry of the Interior. To date, the preliminary consultation meeting took place (June 17), as well as six impact-identification workshops (June 28, July 12 and 19, August 2 and 17, and Sept. 27), three training sessions organized by the Ministry of the Interior on the rights of African-Colombian communities (August 2, 9, and 10), and visits to other African-Colombian community councils in the country. The community is holding internal workshops to decide on the type of resettlement they want (collective or individual) and to present Carrejón with a detailed proposal. The next meeting with the community is scheduled for Oct. 25, and the next prior consultation meeting with the authorities is slated for Nov. 9. A new community council of Patilla African-Colombians presented a new tutela action requesting a consultation. However, this request was denied by the court as res judicata. The plaintiffs have appealed to the Supreme Court, but it has not accepted the case. **Las Casitas.** 55 of 62 families from the rural and village centre have signed relocation agreements (includes eligible and ineligible families). Agreements have been reached with 30 of the 31 eligible families, and agreements are expected to be reached with the remaining two families before the end of 2016. Progress is being made on the design and implementation of an associative farming and livestock production project with this community. **Tamaquito II.** The 31 families have been at the new site since Aug./13. The pending issues compiled in the Memorandum of Understanding signed in Dec./15 are progressing satisfactorily (87%) and will likely be concluded in Dec./16 as planned. Progress has been made in defining a collective farming/livestock project and the community has received support in forming an associative work company to offer services to Carrejón and other businesses. As concerns water topics, the installation of a pipeline from the new well (drilled at the end of 2014) has been concluded, and we have agreed with the community to put in a different water treatment plant. While the purchase and installation (first quarter of 2017) are underway, Carrejón continues to deliver 33,000 litres of water a week by tanker, and the community is also using water from the new well. In Feb./15, Carrejón handed over the title deeds for the 300-hectare property. We are also supporting its petition to be considered an indigenous reservation. To that end, we supported the visit of the National Land Agency in charge of this process and also supported the council in filing a Right of Petition with INCODER requesting the file be forwarded to the National Land Agency. **Engagement.** At the start of 2016, the communities of Patilla and Chancleta requested that Carrejón suspend the Leaders Roundtable sessions as they felt the members were not representative of all the families. They agreed to work with the representatives of the Community Action Committees, which are mainly elected by the families. Engagement with the Committees is maintained through regular meetings at which priority issues for each community are addressed. **Water uptake.** At the end of 2015, work finished on a water uptake point to transport water from the Ranchería River to the water treatment plant supplying Roche, Patilla, Chancleta, and Las Casitas as well as providing water for the production projects. Steps are currently underway to upgrade the treatment plant due to the changeover to surface water, and the irrigation system for the farming and livestock activities are being reviewed and adjusted. **Educational programs.** The Educational Reinforcement Program seeks to promote skills, knowledge, and abilities in students in order to facilitate their access to higher education institutions. It also includes career choices orientation and training in ICT for adults. As of September of 2016, 241 people have benefitted from different parts of the program. In October 2016, 94 students are receiving educational aids (registration fees and monthly living stipends) to pursue university careers, technician training, technology, and Master's courses in various institutions around the country. As of October 2016, 55 students have graduated (3 university graduates and 52 technician and technology diploma graduates).

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, Carrejón 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. 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.

IMPLEMENTATION STATUS

COMPLETED

Level of completion to be determined depending on new community dialogues

COMPLETED

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 Dec./15, the first house was handed over to the traditional authority of Pioura whom the community had chosen to be the first recipient. Preparation began on the remaining 20 houses in Feb./16, and they were expected to be finished in Oct. of this year. However, in July, internal conflicts arose in the community because the traditional authority decided that two of the houses would not be built since those two families did not belong to his own family clan. The mayor of Uribia helped resolve the conflict by proposing that they would build the two houses in the urban area of Uribia. Once this hurdle was overcome, work restarted and is proceeding normally. The new completion date for construction of the 18 dwellings is between December 2016 and February 2017. For this period, 24 out of the 30 community youths trained in construction by the SENA were hired as construction labourers. The other six youths claimed they were not interested in working on the project as they were already involved in other activities. The 30 youths that passed the construction course received their diplomas from the regional and national directors of the SENA at the ceremony in Media Luna. In the same ceremony SENA presented diplomas to 36 fishermen trained in the use of long-lines and to 30 women trained as chambermaids, 15 of whom were hired to work COMPASS, firm that provides meals and housekeeping in Puerto Bolívar.

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

Water continues to be delivered to the Media Luna communities, with a 210 m3 capacity water tanker making weekly deliveries from the port desalination plant. In addition, since the declaration of a state of emergency by the Uribia mayor due to the drought in April/14 (which continues to this day), we have been sending 140 m3 water tankers every week to the 52 communities in Sector IV of the railway (km 119-143). This support also benefits the 850 children of the Kamüsüchiwo'u Ethno-Educational Institute, 110 children at the ICBF kindergarten, 110 children at the CDI, and the Media Luna healthcare centre. A total of 350 m3 of water are being delivered every week.

As part of the agreement between Correjón and Conservation International, three Media Luna fishermen visited the district of Joví (municipality of Nuquí, Chocó) for a meeting on "Strengthening local skills to implement conservation strategies for natural resources in Colombia based on the exchange of experiences with communities involved in natural resource management and conservation". In addition, six people from Media Luna are involved in the agreement as Fishermen Observers.

Furthermore, we continue to implement 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 to Media Luna. We also provide support for the Hospital to maintain the Rural Doctor assigned to the healthcare centre. In the first half of 2016, there were 600 healthcare activities benefiting approx. 2,050 people in Media Luna and 1,088 in Sector IV of the railway. The activities included basic healthcare, promotion and prevention programs, house calls, and referrals to larger centres. A total of 288 lives have been saved since this program was instituted. **Education.** Seven students from communities in Media Luna and Sector IV of the railway are participating in Correjón's Educational Excellence Fund, which supports La Guajira secondary school graduates in accessing higher education. They receive financial support for registration fees and living expenses. **Sports.** Correjón hired a coach to run a sports program in the communities neighbouring the port 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 Approach to music and the choral technique. Correjón has assigned a music teacher to provide these extra-curricular activities three times a week. **Corporate volunteers.** In this program organized by Correjón, 32 employees in Puerto Bolívar support local infants and toddlers with recreational activities and the donation of clothing to the 103 children attending the Early Childhood Comprehensive Care Centre.

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