

**CERREJÓN STATEMENT ON THE CHRISTIAN AID REPORT “UNDERMINING HUMAN RIGHTS:
IRELAND, THE ESB AND CERREJÓN COAL”**

February 21, 2020

Cerrejón notes the publication of the report by Christian Aid Ireland and the litany of misinformation that is contained throughout the document. Despite a lengthy engagement process with Christian Aid, the report contains a very unbalanced view of life in La Guajira and the impact of coal mining on it.

Cerrejón and CMC (on our own initiative) provided background information last September: since then, no one from CAI has responded to or properly reflected on the information we sent; no one from CAI has visited the mine; our request to go through the draft report – to provide at least some fact-checking – was denied.

We understand that CAI seeks to promote its objectives of encouraging faster decarbonization in the production of electricity in Ireland and greater commitment to the use of national and international instruments to protect and respect human rights. Regrettably, though the report presents a profile of Cerrejón which is far from being balanced or fair.

We do recognize that the mine has an impact on the territory: we are also clear that international standards are different now from those which applied when the mine was planned in the 80s. We have made genuine efforts to improve our performance and to engage constructively with all stakeholders, but this report leads us to believe that - at least at the moment - CAI does not wish to engage in a constructive or informed manner.

We have read carefully the recommendations directed at Cerrejón and will take them into consideration in our ongoing analysis of how to improve our business operations. In the annex below we have picked out a number of examples of misleading or simply inaccurate statements which, we believe, highlight the failure of the authors to ensure at least accuracy, if not balance. All of these could have been easily avoided if the information provided by Cerrejón and CMC and, in many cases, from official sources, had been taken into account.

ANNEX

Page	CAI statement	Cerrejón comments
1	Undermining Human Rights	Indication from the outset of the headline-grabbing tone
9/14	Moneypoint in County Clare, has burned millions of tons of coal, with the vast proportion sourced from the Cerrejón mine in Colombia/ Ireland's largest power station, Moneypoint in County Clare, has bought millions of tons of coal from a mine in Colombia that is accused of contributing to human rights abuses. ¹	Purchases from Cerrejón have averaged 0.5 million tonnes in the last five years
10/20 +	[Cerrejón] has been linked to the expulsion of up to 35 indigenous and Afro-Colombian communities	Mining operations require the purchase of land, either for the operation itself or as an environmental control measure. In all these purchases (with over 966 families) Cerrejón has tried to negotiate agreements with the communities. When this has not been possible, we have followed Colombian law and international standards, both of which allow expropriation measures, all conducted with the presence of human rights institutions to ensure that the rights of the communities are respected.
10/23+	The mine uses 16 million litres of water each day – equivalent to the consumption of 67,000 people - which are used in the extractive process and then dumped back into the Ranchería complete with contaminants.	<p>91% of the total water used daily by Cerrejón is industrial water not suitable for human consumption or agricultural use and taken from rainwater or from coal seams. This water is used for the control of dust emissions to protect the air quality of our workers and neighbouring communities. The remaining 9% of water is used for human consumption by employees, workers' families, visitors and for distribution to local communities.</p> <p>The report implies that mining is the main user of water in the region. The reality is that 92.5% of the water permits in the region are for agriculture and cattle raising activities, 5.7% for domestic use and services and only 1.8% for Cerrejón.</p> <p>Cerrejón does not dump waste or heavy metals into the Ranchería River. To ensure that this does not happen, annually we take more than 4,000 samples for physical, chemical and bacteriological analysis by a certified laboratory and recently implemented a realtime water sampling and monitoring system in the river. Nothing has ever been found to indicate that our operation puts the quality of water from the Ranchería River at risk,</p>

		<p>including possible impact on the health of the communities downstream from the mining operations.</p> <p>It is important to take into account that heavy metals are found in the river upstream from Cerrejón's mining operations, and the activities related to this presence of heavy metals are the rice and palm oil crops located upstream, coming from the use of fertilizers, the washing of vehicles near the urban centres of Fonseca and Barrancas and wastewater discharges from these urban centres.</p>
18	Each day, two 120-car trains carry an average of 48,000 tons of coal to the port	There are on average five trains per day of either 90 or 120 cars.
20	Of importance here is the principle of free, prior and informed consent (FPIC), which is at the core of the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Colombia in 2009	Cerrejón's operation began in the 1980s, prior to the signing of ILO convention 169 of 1989 or its adoption by Colombia in 1991. Cerrejón, in its continuous enhancement of processes and standards, adopted in 2019 the International Council on Mining & Metals' (ICMM) indigenous people position statement to ensure alignment to FPIC.
20	On 9 August 2001, then-owners of the mine, Intercor, arrived with bulldozers and a large force of soldiers and riot police to expel the residents and demolish their village [of Tabaco]	<p>In 2001, Cerrejón reached agreements with over 90% of the families from Tabaco: regrettably, 9 families had to be expropriated. We reached an agreement with the community in 2008 and provided additional compensation to the families and provided resources to develop the Tabaco Endogenous Development Network. We are complying with the results of the 2014 ruling from Colombia's Supreme Court of Justice which ruled that the Hatonuevo municipality must rebuild the town. Cerrejón provided the plot of land selected by the community for this and is ready to build the community center and road layout when the community allows Cerrejón to begin.</p> <p>On December 19, 2019 Cerrejón was notified of the ruling issued by the Constitutional Court, which protected the fundamental rights of the Tabaco community. The ruling confirms the responsibilities and roles as defined in previous rulings and requests of the parties to define a five-month plan which outlines the actions to be taken in order to rebuild the town.</p>
20	Cerrejón has not complied with calls to effectively address the community's concerns	While we are doing our best to resolve legacy issues with the community of Tabaco, we comply with laws, rulings and treaties, standards, and commitments agreed with the community, not calls by activists which appear to only give voice to the views of critical

		stakeholders even though they do not reflect the view of the majority of the members of this community.
20	Several members of the community, including two women and an intellectually impaired youth, were seriously injured when riot police used tear gas and metal projectiles to force the families out.	Cerrejón laments what occurred on that day when the police used tactics that caused injuries to some community members. We now provide training to police prior to any court-ordered eviction process based on our human rights due diligence approach to avoid disproportional use of force by police. This is in adherence to The Voluntary Principles on Security and Human Rights (VPs).
21	The mine has severely undermined the right to food, health, water and indeed the right to life.	Presented as fact or a judgement from a Danish organization in 2010 which lacked sufficient evidence.
23	For many of La Guajira's indigenous and Afro-Colombian communities, getting to the nearest hospital or clinic requires a walk of two to three hours across difficult terrain, while ambulance services are either unreliable or non-existent	<p>La Guajira faces structural poverty, extreme climate conditions and lack of, or weak, State presence which has resulted in very poor health and education indicators in ethnic communities.</p> <p>Cerrejón is a positive contributor to the development of La Guajira by generating almost 50% of the regional GDP, paying taxes and royalties, and providing local employment which collectively contribute to dynamize regional economy.</p> <p>Cerrejón is acutely aware of the institutional weakness in La Guajira, which poses many challenges including deficient health services, especially in rural areas. Since 2008, Cerrejón has worked in partnership with local hospitals and expert health entities to assess the health of neighbouring communities and, in turn, contribute to improving access to medical services. These activities include specialized health studies, improvements to public sanitation infrastructure, support for health awareness campaigns, and basic and specialized healthcare in local clinics and mobile health units .</p>
25	The physical alteration of terrain for mining purposes, along with the construction of the Puerto Bolivar train track, has meanwhile blocked communities' access to their traditional lands.	A footnote states that this is something alleged by member of one of the local communities. However, this is not true.
25	The heavy state security presence guarding the train track	This statement is a very significant distortion of the truth. La Guajira has for many years been a high-risk region due to the armed conflict in Colombia, which has led the Colombian Government to define specific infrastructure and economic projects as National Interest projects. These projects, including Cerrejón, led

		the government to decide to position public forces in the area to comply with their constitutional role of protecting the country from illegal armed groups, and other risks. To ensure that the army's presence is respectful of rights, we have been implementing the standard of Voluntary Principles on Security and Human Rights which is routinely audited by independent third parties.
25	Noise from the train and from mining activities – both of which operate 24 hours a day – disturbs the sleep and the dream life of indigenous communities, which plays a fundamental role in their culture.	Cerrejón is aware of the impacts caused by the operation and is committed to preventing, mitigating or compensating them and is continuously developing measures to enhance performance. Through current consultation processes (T-704 ruling) Cerrejón is analyzing with all communities in the area of influence if additional measures are required or if compensation should be agreed. The 2018 Sustainability Report provides further clarity on our approach to identifying, preventing and/or mitigating impacts.
27	The vast revenues flowing from the seams of Cerrejón – in 2011 alone it reported sales of US\$336 million	Our 2011 sales were US\$ 3.2. billion.
28	Although there is no suggestion of complicity on the part of Cerrejón ...	<p>Cerrejón strongly rejects any link to threats or attacks to social leaders and has been proactive in demanding Government authorities to act diligently in preventing and investigating these cases. Though remarks on the economic status of the company, as well as some delayed projects due to community lawsuits are in the public domain, the company has repeatedly, and publicly, stated that we respect the Constitutional right of critics to present lawsuits against the company and rejects any threat to those who do.</p> <p>Cerrejón has heard the complaints from specific communities regarding the effect of some public messages about the company's future and the impact these have had on the safety of community leaders. We take these comments seriously and have revised our messages to ensure that the company is transparent about current economic challenges without placing anyone at risk. In recent messages, Cerrejón has emphasized the need and importance of respecting different views and has rejected any type of threats.</p>
29	In 2013, Sintracarbón [...] called a strike amidst allegations that some 700 workers were suffering serious health problems – including respiratory illnesses and back injuries – which were directly caused by	The statement that the 2013 strike led by the union Sintracarbón was due to allegations that over 700 workers were suffering serious health problems caused by unsafe working conditions is false.

	unsafe working conditions. The strike led to the mine closing for 32 days, before an agreement was reached to improve health and safety provisions, monitoring, along with remuneration	<p>Over 85% of employee illness are common illnesses. Cerrejón respects freedom of association and the right to collective bargaining and strike. While the issue of workers' health was important, the main factor of concern was on salary increase and other benefits.</p> <p>Cerrejón has always worked to improve working conditions through risk management, change management and embedding safety behaviour. We had zero fatalities in 2019 and no serious accidents.</p>
29	At least two workers have died of cancer due to continuous exposure to silicone	<p>We presume it refers to silica not silicone. We have never been formally notified or alerted by the unions of the decease of any current or former worker from silicosis (from silica).</p> <p>We have had 3 cases of pulmonary illnesses in the 30-years of operation of Cerrejón. Cerrejón rigorously implements protective measures and undertakes occupational health examinations prior to during and at retirement from Cerrejón. For more than 30 years, Cerrejón has implemented a health and safety management system for the workplace (SG-SST, its acronym in Spanish) and we follow the Similar Exposure Groups methodology (SEG) to manage workers' health and security, which, starting in 2007, has been the standard set by the National Government.</p>
36	In a 1.5°C world, there is no future for the mining, buying, selling or burning of coal.	The IEA says that coal use – with carbon capture – is vital to meeting climate change goals.