

# Cerrejón Human Rights Risks and Impacts Study Report on Results

Document prepared by TRUST Consultores  
for Carbones del Cerrejon



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## INTRODUCTION

In August 2021, Cerrejón commissioned Trust Consultores to conduct the Third Study of Human Rights Risks and Impacts associated with the operations of the Mine, the Railroad Line and Puerto Bolívar in the department of La Guajira, and to develop recommendations for their management and the strengthening of due diligence management within the framework of the continuous improvement adopted by the Company.

The study was developed in two phases. In the first phase, and for about eight months, the Trust Consultores team conducted the initial phase of gathering, analyzing information, and generating preliminary conclusions. Multiple reliable sources, both internal and external to Cerrejón, were consulted during this process. In compliance with the human rights and business standards adopted by the Company, mainly the United Nations Guiding Principles on Business and Human Rights, dialogues were held with various stakeholders: communities, municipal authorities, social organizations, experts, employees, contractors, law enforcement, research centers and departmental and national institutions. With special attention to the voices of those who might be impacted, the purpose of these discussions was to learn about and comprehend the viewpoints and experiences of the various stakeholders regarding the state of human rights in La Guajira and the effect of the Company's operations on their respect and realization. The approach yielded preliminary findings and the first set of suggestions for the management of the impacts and risks related to human rights.

In the second phase, which commenced in October 2022, we planned and executed a plan to share the first findings with the various stakeholders through a second round of meetings to obtain their input on the results and recommendations regarding the key human rights issues. These dialogues strengthened the analysis of human rights risks and impacts, as well as the management strategies proposed by Trust to Cerrejón, and generated a process of rapprochement and trust building. The communities in the area of influence, local authorities, workers, contractors, national and international non-governmental organizations, and law enforcement were invited to these instances.

This document that we present to our readers is a summary of the process and the results of the Cerrejón Human Rights Risks and Impacts Study, including a brief description of Cerrejón's operating environment, the definition of the key human rights issues, the management strategies implemented by Cerrejón to address the risks and impacts identified, and the recommendations made by Trust and feedback received from stakeholders during the dialogue instances held in the second phase of the study, between 2022 and 2023. This paper also includes stakeholder perceptions of impacts that, although not included in the human rights issues addressed, warrant the implementation of management actions by Cerrejón.

This document is the result of the efforts of all stakeholders to strengthen the management of human rights issues associated with Cerrejón's operations. We are grateful for the participation of all those who shared their vision, knowledge and experience with the Trust team, especially the communities and their representatives.

We are aware that respect for human rights and the contribution to their realization summons us all as a society and is of the utmost importance in a territory with a high potential to contribute to the construction of a country.

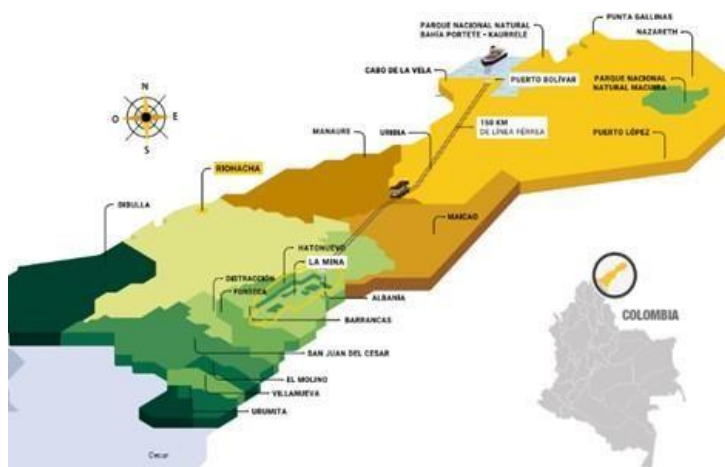
## Trust Consultores

We design and provide knowledge-based solutions to respond to complex socio-political challenges and problems. We integrate human capabilities, methodologies, and technology to ensure the proper understanding and sustainable management of the environment, to ensure the fulfillment of institutional or business objectives in coherence with global development goals. For two decades, we have accompanied economic sectors and public institutions in fulfilling their commitment to human rights and creating shared value in society.

## ABOUT CARBONES DEL CERREJÓN

Cerrejón's area of operation is located in the department of La Guajira, in the extreme north of Colombia.

Map 1. Location of El Cerrejón. Sustainability Report 2022. Cerrejón.



Its operation is comprised of the mine, the 150 km long railway line and the coal shipping port -Puerto Bolívar-, located between Cabo de La Vela and Bahía Portete. The municipalities in its area of influence are Albania, Barrancas, Hatonuevo, Uribe, Maicao, Manaure and Uribe, and the Reservation of Alta and Media Guajira, with more than 240 communities of the Wayúu people, as well as Afro-descendant communities located particularly in the municipalities within the mine's area.

The operation has its origins in 1976, in the association contract between Carbones Colombianos S.A., Carbocol, and Intercor. At present, the operation is defined as per a contract subscribed between the Colombian State, represented by the Agencia Nacional de Minería (National Mining Agency) and Carbones del Cerrejón, whose sole shareholder is the Swiss company Glencore.

**Some figures related to Cerrejón's activity during 2021 (date in which the Human Rights Study was carried out for Cerrejon)**

- The company produced 23.4 million tons of coal.
- More than 11,000 employees (direct and contractors) have been hired. 60% are from La Guajira.
- The State collected 1.38 billion pesos in income tax.
- 39,100 million pesos in taxes were collected in La Guajira and the municipalities in the area of influence.
- 383,000 million in royalty payments were processed.
- 20,922 million were assigned to mandatory and voluntary social investment.
- 38 million liters of drinking water delivered to communities in the area of influence.
- 255 hectares rehabilitated and restored.
- 69% of the water used for the operation is unfit for consumption.

*Cerrejón's Sustainability Report. 2021.*

## CERREJÓN'S APPROACH TO HUMAN RIGHTS MANAGEMENT

### Corporate commitment to human rights

Cerrejón expresses in its Code of Conduct and corporate policies a commitment to respect the dignity and human rights of employees, business partners, as well as all those who may be impacted by its operations, which reflects its purpose to "responsibly provide the products that make everyday life possible".

The Human Rights Policy adopts the due diligence approach to management and establishes the responsibility for compliance on the part of its directors, managers, and employees, the behavioral expectations of its business partners, and commitments to its stakeholders. The Social Performance Policy expresses the objectives of "preventing its business activities from harming people, respecting human rights, contributing to social and economic development, and establishing and maintaining relationships of trust with stakeholders through ethical and responsible business practices". This action framework has been publicly disseminated through various channels and in different areas of relations with its stakeholders.



#### *The approach*

- ✓ Respect human rights.
- ✓ Avoid causing or contributing to adverse human rights impacts.
- ✓ Prevent or mitigate adverse human rights impacts associated with operations, products or services, through business relationships.
- ✓ In the event of an adverse human rights impact, cooperate in the processes that allow us to find an appropriate solution.
- ✓ Contribute positively to the advancement of the human rights of all people - including vulnerable groups.



#### *Performance framework*

- ✓ The Political Constitution of Colombia, national legislation and regulations.
- ✓ The Universal Declaration of Human Rights.
- ✓ The Fundamental Conventions of the International Labor Organization.
- ✓ The Guiding Principles on Business and Human Rights of the United Nations
- ✓ The International Council on Mining and Metals Sustainability Framework.
- ✓ The Voluntary Principles on Security and Human Rights.
- ✓ The International Finance Corporation's Performance Standards 1,5,7 and 8.
- ✓ Bettercoal Code of Conduct.

Oversight of the Human Rights Policy is assigned to Cerrejón's Board of Directors, through its Health, Safety, Environment and Communities Committee (HSEC). In accordance with Cerrejón's policies, its employees,

contractors, suppliers, and business partners are committed to act in accordance with social and human rights performance standards, and to continuously improve their performance.

### Cerrejón's human rights due diligence

In accordance with the United Nations Guiding Principles on Business and Human Rights, Cerrejón has designed a human rights due diligence process for the ongoing management of human rights risks and impacts that may arise from its operations and business partners.

#### Cerrejón's Due Diligence Process



Image taken from <https://www.cerrejon.com/sostenibilidad/estandares-y-ddhh>



## ON CERREJÓN'S THIRD HUMAN RIGHTS RISKS AND IMPACTS STUDY

Between 2021 and 2022, on behalf of Cerrejón, Trust Consultores developed the third study of human rights risks and impacts associated with the company's operations at the Mine, the Railway Line and the Port.

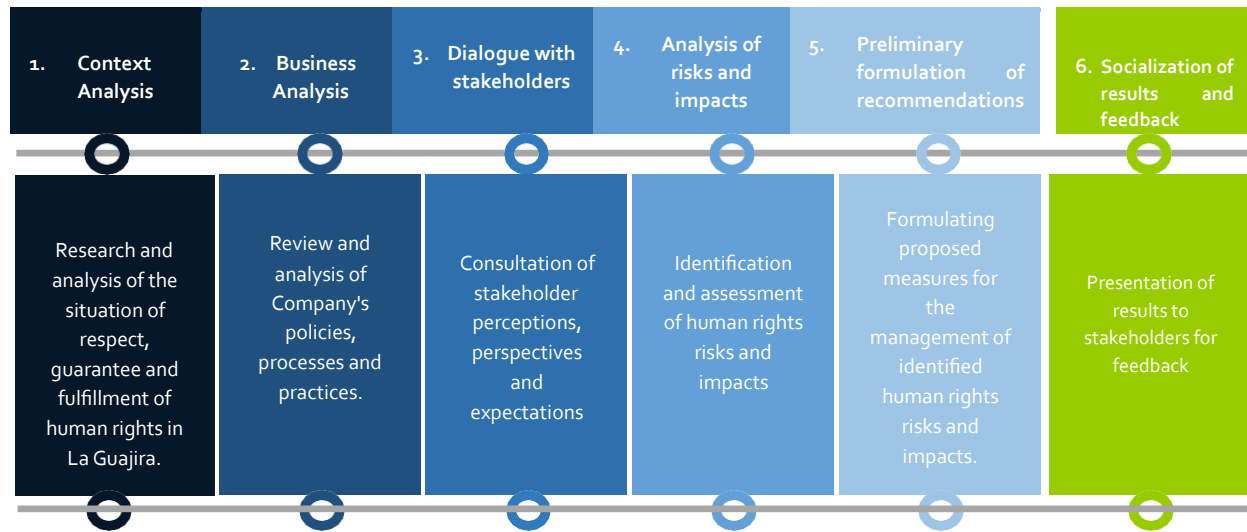
This study was developed in two phases: in the first phase, developed in 2021, a conversation process was carried out with stakeholders such as communities in the area of influence, municipal authorities, social organizations, experts, employees, contractors, law enforcement, research centers and departmental and national institutions, in order to gather relevant information to identify risks and impacts on human rights. In the second phase, developed between 2022 and 2023, the conclusions regarding the risks and impacts identified in the study were socialized and dialogue sessions were held with stakeholders to receive their feedback on the results and on the recommendations made to Cerrejón for the management of human rights issues identified in the study.

### Methodological criteria

The study was guided by the following analysis criteria:

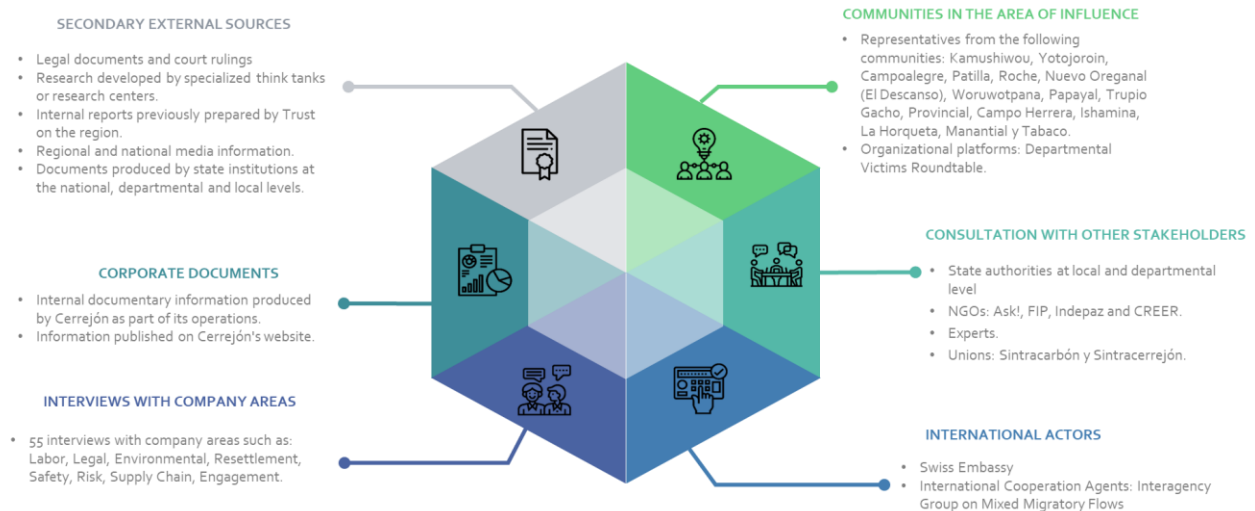
<b><i>Focus on Human rights</i></b>	Focused on identifying external factors that undermine the respect, guarantee, and fulfillment of human rights, as well as the potential impacts (risks) and current impacts on the exercise and fulfillment of human rights generated by the operations of Cerrejón and the activities of its commercial or institutional partners, regardless of the consequences for the Company.
<b><i>Integrity and differential approach</i></b>	Approach to the set of human rights recognized by domestic and international regulations, with special consideration to the rights of population groups that merit a differential approach due to special conditions of vulnerability
<b><i>Triangulation of sources and methods</i></b>	Consultation of a variety of secondary and primary sources of information and their comparisons, combining techniques and methods of analysis based on: <ul style="list-style-type: none"> <li>■ <b>Evidence:</b> facts and situations regarding aspects of the environment or business that have an impact on the configuration of risks and impacts, as well as on the risks or impacts themselves.</li> <li>■ <b>Expertise and interdisciplinarity:</b> comprehensive analyses by experts in social, political, legal, and cultural fields of knowledge to ensure a holistic view.</li> <li>■ <b>Expertise:</b> identification and consideration of the perspectives, perceptions, and expectations of the holders of rights susceptible to being impacted by the operations of Cerrejón and its business partners; as well as relevant stakeholders according to their mission and activity in the field of human rights.</li> </ul>
<b><i>Dialogue and feedback</i></b>	Stakeholder consultation during the study and on the results obtained to enrich the analyses and recommendations with their perspectives.

## Methodological path of the Study

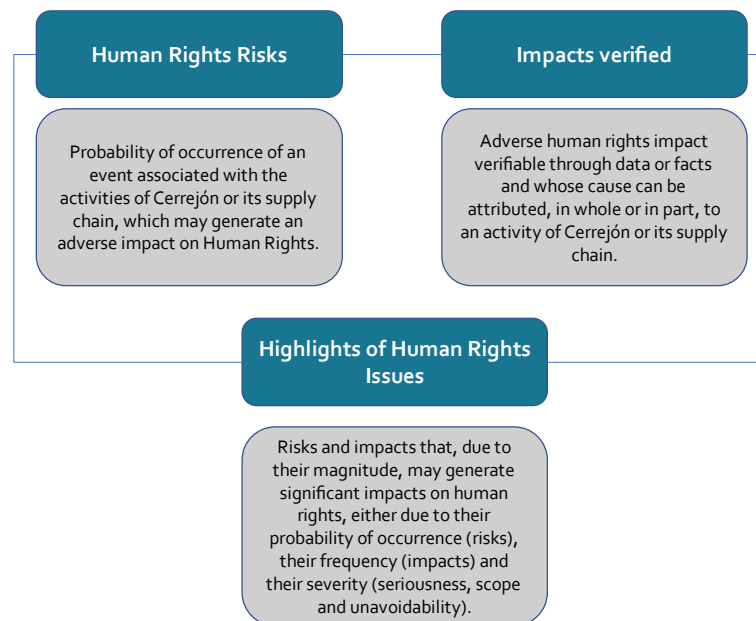


The human rights risk and impact assessment was performed in six phases:

- 1. Analysis of the human rights context:** An analysis of the human rights situation in the Department of La Guajira was carried out, particularly in the surroundings of Cerrejón's integrated operation. Institutional, environmental, social, and cultural factors that affect the respect, guarantee, and fulfillment of human rights were identified. For this purpose, accredited secondary sources were consulted, and direct dialogues were held with various actors in the territory.
- 2. Business analysis:** A review of Cerrejón's policies, processes, and practices related to its operations and support activities was carried out, based on the review of internal documentation and interviews with its managers and employees, aimed at identifying the conditions and situations that may give rise to human rights risks or impacts, as well as the strengths and opportunities of its human rights management.
- 3. Dialogue with stakeholders:** A dialogue process was carried out with various stakeholders to ascertain and understand the perceptions, points of view, and assessments regarding the human rights situation associated with the operations of Cerrejón and its business partners. Interviews and focus groups were conducted with communities in Cerrejón's area of influence, state authorities at the local and departmental levels, contractors, non-governmental organizations, experts in environmental, social, and human rights issues, organizational platforms, international actors, and members of the Cerrejón team, as well as union representatives. The sources are described below:



**4. Analysis of human rights risks and impacts:** Based on the information gathered, the analysis process was carried out and the events in the framework of which risks and impacts are defined, the rights compromised, the rights holders affected or potentially affected, the causes and the controls implemented by Cerrejón were identified. The assessment of the risks and impacts derived from the operation of the company or the activities of its business partners was carried out with special emphasis on the level of current or potential impact on the holders of the rights involved. Based on the aforementioned assessment criteria, the main human rights issues were identified as follows:



**5. Preliminary formulation of recommendations:** based on the risks and impacts identified and taking into consideration the management measures implemented by the company, its capacities and the particularities of the operating environment, Trust developed a first set of recommendations aimed at addressing the risks and impacts identified. These recommendations took into consideration the various areas of Cerrejón's performance to strengthen its human rights due diligence (intercultural relations, physical security, resettlement, environment, transportation and operation, and labor issues).

**6. Socialization of results and feedback:** Through a second round of meetings with communities, non-governmental organizations, employees, contractors, and authorities, the results of the study were presented, and feedback was received from stakeholders regarding the recommendations made by the Trust. The purpose of these meetings was to gather the opinions of the participants and complementary recommendations aimed at addressing risks and impacts on human rights. A total of seven meetings were held with communities, attended by 237 people. In addition, there were five meetings with local authorities, one with departmental authorities, one with employees, one with contractors, three with NGOs, and one with diplomatic delegations from other countries.

## THE HUMAN RIGHTS SITUATION IN LA GUAJIRA

Despite its great potential for development due to its cultural wealth, its privileged location in the Greater Caribbean, and the natural resources that give it strategic value for the country -it is the epicenter of the energy transition -, this Department faces major challenges. These include difficulties in accessing decent living conditions and public resources and services, reducing inequality, strengthening institutional capacity and transparency, promoting economic diversification, formalizing employment, and occupation, and recognizing cultural diversity.

Historically, La Guajira has lagged behind the national average in terms of development, poverty, and unsatisfied basic needs, particularly in the rural areas of Media and Alta Guajira, where most of the Department's ethnic population is concentrated.

- The department of La Guajira is located in the northern part of the country, in the Colombian Caribbean Region, it has an area of 848 km<sup>2</sup> (1.8% of the Colombian territory) and a total population of 880,560.
- Of the total population, 51.7% is made up of ethnic communities.
- 380,460 people recognize themselves as Wayúu, the predominant ethnic group in the Department.
- La Guajira ranks 4th among the departments with the highest multidimensional poverty (51.4%), and 2nd among those with the highest monetary poverty (53.7%).
- The Unsatisfied Basic Needs Index for La Guajira amounts to 53.3%, which shows huge gaps in access to well-being of its population.

Departamento Administrativo Nacional de Estadística – DANE (2018)

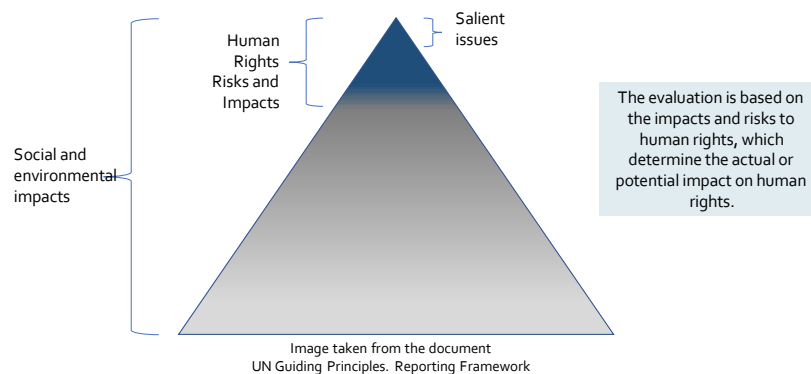
La Guajira has been characterized by a situation of institutional lack of protection of human rights, associated with the following factors:

- Lack of a common vision and systematic and sustained processes for inclusive territorial development planning with an ethnically differentiated approach.
- Deficit in institutional capacity for the effective guarantee of social, economic, cultural, and environmental rights - DESCA.
- Inefficiency and institutional corruption phenomena.
- Historical action by illegal armed groups.
- Deficient harmonization between national legislation and the social organization and territoriality of the Wayuu People.
- Regulatory and institutional shortcomings for the development of critical processes (involuntary resettlement, prior consultation, and environmental licensing).
- Lack of productive diversification and economic dependence on the exploitation of natural resources.
- Unemployment and informality.
- Low levels of development and structural poverty.
- Humanitarian crisis and impact on vulnerable populations (children, ethnic population, etc.).
- Victimization due to territorial control by illegal armed groups.
- Fragmentation of ethnic governance and crisis of representativeness.
- Marginalization of ethnic communities and absence of effective mechanisms for intercultural dialogue.
- Lack of resilience and adaptation mechanisms in the face of territorial transformations.

## HUMAN RIGHTS HIGHLIGHTS

Human Rights Salient Issues (also known as Human Rights Salient Issues) refer to priority human rights issues that are of particular importance to Cerrejón. These issues focus on areas where the organization has the potential to have a significant human rights impact. The identification of salient human rights issues involved a process of assessing and prioritizing the human rights risks and impacts identified in the Study. Once identified, these issues become reference points for decision making, policy implementation and the definition of management actions, with the objective of addressing and mitigating any adverse effects on the human rights of the Company's stakeholders.

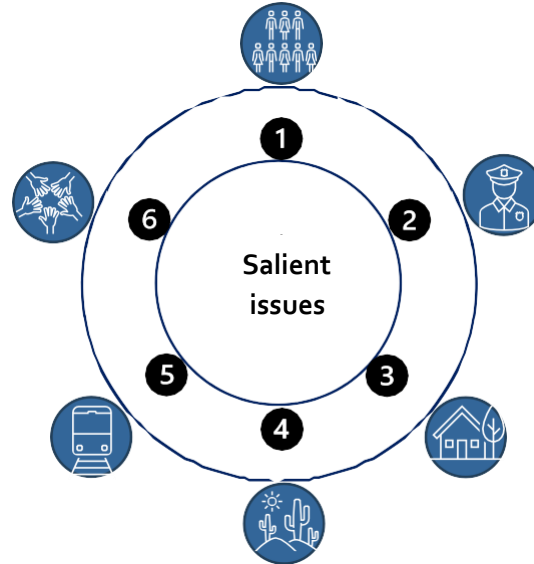
In accordance with the UN Guiding Principles on Business and Human Rights and the good practices contained in the UN Guiding Principles on Business and Human Rights Reporting Framework, the key human rights issues are as defined below:



Within the framework of the Study, six salient human rights issues were identified. These were defined taking into consideration those risks and impacts of greater magnitude, that is, those whose possibility (risks), frequency (impacts) and severity (seriousness, scope, and irremediability) are or may be of a high or very high level. In this way, a classification was made according to thematic axes that would allow their adequate understanding and the design of interrelated management measures.

In order to gather the perceptions of the different stakeholders, each of the six thematic areas also includes a reference to perceived impacts that were identified in the dialogue spaces with stakeholders. Perceived impacts, although not strictly speaking part of the human rights issues highlighted, are the focus of Cerrejón's efforts to conduct or deepen studies within the framework of due diligence, to overcome, in a transparent manner, uncertainty or controversy about the effects attributed to its activity.

### Human Rights Highlights



<p><b>1 Cultural identity of ethnic communities</b></p>	<p>Recognition and respect for the cosmovision, values, uses and customs of the indigenous and Afro-descendant communities in Cerrejón's area of influence, including their cultural, social and economic dynamics in relation to the territory, their autonomy, their forms of representation and internal governance, and respect for their right to participation.</p>
<p><b>2 Security and Human Rights</b></p>	<p>Prevention of situations of excessive use of force or of possible damages caused by the behavior of the security forces while protecting Cerrejón's assets or operations.</p>
<p><b>3 Resettlements</b></p>	<p>Measures to repair or improve the sustainable quality of life conditions in the five communities that have been resettled by Cerrejón: Chanqueta, Las Casitas, Patilla, Roche and Tamaquito.</p>
<p><b>4 Environment &amp; Health</b></p>	<p>Preservation of the physical well-being of the communities in Cerrejón's area of influence and control of the impacts that could be generated by particulate matter emissions, noise, spills, soil changes, and alteration of the landscape and ecosystem components.</p>
<p><b>5 Safety with regards to infrastructure</b></p>	<p>Preservation of the physical well-being and safety of the residents of Cerrejón's area of influence, especially those communities neighboring the railway line, due to their exposure to the coal transportation infrastructure.</p>
<p><b>6 Decent and Safe work</b></p>	<p>Creation of safe and dignified conditions that guarantee the protection of the physical, psychological and emotional health of Cerrejón's direct workers and its contractors.</p>

The following sections will describe each of the human rights issues highlighted, mentioning the impacts observed and the human rights risks associated with them, identifying the rights

compromised, describing the management measures that Cerrejón has implemented, and describing the measures that it has implemented to address them. The recommendations formulated by the Trust and stakeholders are detailed for each of them. In addition, the perceived impacts that came out of the different scenarios of dialogue with stakeholders are mentioned.

Concerning perceived impacts, it is important to clarify that these inform on the assessments, feelings, and expectations of the communities and other stakeholders of Cerrejón regarding issues that are considered critical by those who perceive them, whose effects are attributed by them to the company's activities, even when there is not enough evidence or consensus on the nature of the impacts generated or their causes, to verify the total or partial responsibility of Cerrejón for the negative effects attributed to its activities. The identification of perceived impacts allows opportunities for dialogue, confidence building, and the identification of possible effects not foreseen or desired by Cerrejón, as well as the implementation of measures for their timely corroboration and correction, if necessary.



**1****Cultural identity of ethnic communities**

This important issue of the cultural identity of the ethnic communities refers to the recognition and respect for the set of worldviews, values, uses, and customs of the indigenous and Afro-descendant communities in Cerrejón's area of influence, which includes their cultural, social, and economic dynamics in connection with the territory, the construction of autonomy, their forms of representation and internal governance, and respect for their right to participation.

Importance




The population of La Guajira is composed, in a high percentage, of ethnic communities, among which the Wayúu people and Afro-descendant communities stand out. This cultural diversity is one of the greatest treasures that enrich the territory; however, the lack of an inclusive governance framework and the insufficiency of an intercultural approach in the construction of a shared vision of the territory among the different actors - State, communities, civil society, and the private sector - generate tensions and conflicts.

Cerrejón's infrastructure and operations generate territorial transformations that impact the relationship of indigenous and Afro-descendant communities with the territory occupied by the municipalities of Albania, Barrancas, Hatonuevo, Maicao and Uribia. The right to ethnic and cultural identity is affected when the intervention in the territory is of such magnitude that it generates transformations in the cultural, spiritual, economic, and relational dynamics in the communities that inhabit, use, or exploit the territory. These impacts can be observed at the individual level, but concerning the right to cultural identity, they affect the collective subject.

Rights compromised

- Right to cultural identity
- The right to autonomy, and self-determination in the use, development, and control of the territory and the resources.

The impacts identified by Trust in the study are described below:

	Cultural impacts due to territorial transformations	Negative consequences on the culture of ethnic communities due to ecosystemic, landscape, social, cultural and economic transformations of the territory associated with the infrastructure and operation of the company: modification of practices, values, relationships and habits that define the identity of ethnic communities.
	Impacts on community relations	Affectations experienced by ethnic communities due to (i) processes of negotiation of land rights, based on the legislation in force at the time, without considering the cultural characteristics of the population (Tabaco case); (ii) the indirect generation of expectations of obtaining benefits in communities with pre-existing conflicts of representation and internal governance, and (iii) relationship processes that do not provide for the application of mechanisms for dialogue with all parties so as not to exacerbate existing divisions and conflicts.
	Impact due to the loss of autonomy over the territory	The company has been affected by limitations on the possession, use and occupation of the land due to administrative decisions of the State (constitution of an industrial reserve) for coal transportation and export activities since the beginning of the mining operation (1981).

## Measures implemented by Cerrejón

### 1. Cultural impacts due to territorial transformation

- Cultural adaptation of objects and instruments of the operation for their harmonization with local culture and the dismantling of negative imaginaries (intervention of the train with symbolisms of the Wayúu culture).
- Complaints Office that incorporates procedures appropriate to the uses and customs of the ethnic communities.
- Cerrejón has developed the following measures to address the landscape and environmental changes affecting the cultural life of ethnic communities:
  - Creation of biodiversity corridors to achieve connectivity of forest reserves.
  - Implementation of rehabilitation processes for approximately 4,400 hectares and adaptation of land for the formation of new soils for planting seeds.
  - Creation of a biological corridor of more than 25,000 hectares between the Serranía del Perijá and the Sierra Nevada de Santa Marta.
  - Creation of conservation agreements with communities for the recovery and protection of strategic areas.

2. Impacts on community relations

- Preparation of a Local Relationship Plan and a Relationship Protocol for consultation with ethnic communities respectful of their uses and customs, which is aligned with Colombian regulations and international standards.
- Formation of engagement teams with members of the Wayúu people and ongoing training for all teams on human rights issues and knowledge of the uses and customs of the communities.
- Measures included in the Social Management Plan of the Comprehensive Environmental Management Plan aimed at managing the generation of conflicts and expectations.
- Implementation of the protocol for threats against social leaders in the area of influence and demonstrations of rejection of intimidation and threats to their lives and integrity.
- Tabaco Plan for the reparation of affected families: design of community center, provision of land for the construction of a community center, payment of compensation, acquisition of land for the relocation of families, and construction of the Tabaco Network Fund for the development of livelihood projects and financing of access to education.

3. Impact due to the effects caused by the loss of autonomy over the territory.

- Measures to lift traffic restrictions due to delimitation of operations.
- Projects to promote and strengthen traditional livelihood activities, including the distribution of fishing supplies and the installation of solar panels for the fishing collection center.
- Definition of compensation measures within the framework of prior consultations (in process at the close of this study).

**Associated perceived impacts**

<p>Perceived lack of opportunities for ethnic communities to access employment and work opportunities.</p>	<p>Perception of insufficient measures to address the cultural distinctiveness of the indigenous and Afro-descendant communities in the area of influence and their particular capabilities, to generate greater employment opportunities directly or by Cerrejón's contractors.</p>
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### Recommendations made by Trust

- Prepare the Intangible Heritage Management Plan foreseen by the Company with the accompaniment of experts in ethnic affairs, for the articulation of specific programs for the preservation of the culture of ethnic communities, strategies for dialogue of knowledge and mechanisms for intercultural relations with ethnic and Afro-descendant communities.
- Support strategies to strengthen leadership with full respect for the principles of social organization and territoriality of the ethnic communities, in order to improve their capacity to participate in departmental and national processes.
- Continue with the education, training and awareness plans for the relationship with ethnic communities aimed at the Company's teams, strengthening the knowledge related to Afro-descendant communities.
- Strengthen due diligence for the identification of intra and inter-community conflicts for the definition of culturally appropriate relationship strategies, aimed at recognizing the legitimacy of the ancestral authorities in the dialogue processes with the company, without prejudice to the leadership of other members of the communities.
- Define the information routes to the competent authorities for the management of conflicts of representation of ethnic communities.
- Structure a strategy based on participatory and appreciative methodologies for the creation of conditions for the continuity of the process with the community of Tabaco, ensuring the participation of institutional actors and other third parties with legitimacy and influence (academia, external experts and verifiers).

## Recommendations from stakeholder dialogue forums

- Incorporate the gender approach in the Company's relations with ethnic communities as a strategy for strengthening leadership and consolidating the internal governance processes of ethnic communities, considering the new leadership that is emerging and the capacity of women to mediate and build social cohesion.
- Strengthen the cultural and ethnic approach in economic and social initiatives aimed at young people and seniors, promoting spaces for them to meet, and facilitating dialogue, to favor the processes of intergenerational transmission of culture.
- Expedite the process of implementation of the stipulations of judgment T-329 of 2017, for the timely reparation of the community of Tabaco, the preservation of its identity, and the reconstruction of its social fabric.
- Review alternatives for night frequency of the railroad operations, specifically considering the impacts on the values and spiritual practices of the neighboring indigenous communities.
- Articulate the Intangible Heritage Management Plan with the Wayuu Normative System Safeguard Plan (PES).

## 2 Security and Human Rights

Security and human rights issues refer to the prevention of situations involving the excessive use of force or possible damages due to improper behavior by the security forces while protecting Cerrejón's assets or operations, as well as the handling of associated crisis situations.



### Importance

Security is a fundamental right that includes guarantees of protection by the State against threats that affect life and liberty in all its expressions, personal integrity, and property, among other rights. Protection against threats to the security of Cerrejón's infrastructure and assets, as well as its employees and associates, implies the generation of security schemes that sometimes have the support of the security forces. This can generate human rights challenges in an environment characterized by different security vulnerabilities and by the communities' distrust of the security forces. These challenges increase if we consider the different ways in which the communities and the security forces conceive the territory and the challenges associated with the intercultural relationship between the actors involved in the management of security issues.

### Rights compromised:

- Right to security.
- Right to decent work.
- Right to identity (preservation of traditional productive activities).

The impacts and risks identified by Trust are described below:

	Risk of misconduct by the security forces supporting Cerrejón's operations.	Affectation of the rights of the communities in the area of influence of the operation due to: (i) improper use of force by the security forces in the framework of security procedures, including police proceedings against blockades to the railway line, (ii) improper actions with damage to property or subsistence resources of the communities or disrespect to members of the communities
	Impact on livelihood activities caused by law enforcement agencies	Affectations to livelihood activities due to damage to supplies, trammel nets and other goods of the fishing communities near Puerto Bolivar by the coast guard, members of the security forces

### Measures implemented by Cerrejón

- Adopting an internal protocol for cases of police proceedings.
- Reception, channeling, and monitoring, through the Complaints Office, of complaints motivated by the actions of the security forces.
- Training of company employees and private security company personnel to ensure their knowledge of the Voluntary Principles on Security and Human Rights.
- Socialization of Cerrejón's Human Rights Policy and the Voluntary Principles on Security and Human Rights to members of the Army, Police, Navy, and Air Force, who support the Company's security operations.

### Recommendations made by Trust

- Resume periodic dialogue venues (Security and Human Rights Roundtables) between communities, the security forces, civilian authorities and Cerrejón.
- Contribute to the implementation of civic-cultural plans, with the participation of traditional authorities, members of the security forces and civil authorities.
- In dialogue with the Ministry of National Defense, promote the incorporation of mechanisms for the implementation of the Voluntary Principles on Security and Human Rights in the process of reviewing the regulatory frameworks of cooperation agreements with the security forces, as well as coordination mechanisms for the resolution of community complaints motivated by the behavior of members of the security forces.
- Continue with the programs of socialization of Cerrejón's Human Rights Policy to agents of the security forces, incorporating the differential ethnic and gender approach.

### Recommendations from stakeholder dialogue forums

- Take advantage of the meeting venues between the security forces and the communities to promote articulation processes between the police, the community action boards, the government secretariats of the municipalities and the ancestral and traditional authorities regarding issues that compromise the security of the communities, and the resolution of complaints about the behavior of the security forces, harmonizing the national normative systems and those of the Wayuu People.
- Incorporate human rights training with an ethnic and gender focus, in cooperation with the security forces.

### 3 Resettlements

The issue of resettlement refers to the effectiveness of measures to restore livelihoods and the sustainable quality of life of the five communities that have been resettled by Cerrejón: Chancleta, Las Casitas, Patilla, Roche and Tamaquito.

#### Importance


Involuntary resettlements of communities are measures taken when other strategies to avoid more severe environmental impacts on communities residing in the project area have been evaluated and ruled out and therefore meet the criterion of *inevitability*. Although this measure seeks to mitigate impacts of greater magnitude, its high potential to impact the economic, social, and cultural conditions of the communities is recognized.

To prevent and mitigate the impacts that may be caused by the proximity of some communities to the operation area, Cerrejón has carried out resettlement processes with the communities of Chancleta, Las Casitas, Patilla, Roche and Tamaquito. Although the Company has adhered to international standards for non-voluntary resettlement, changes in the conditions of existence may have undesirable effects on the communities, which must be identified and addressed.

#### Rights compromised:

- The right to an adequate standard of living

The risk that Trust identified in the study is described below.:

	Risk of impacting the adequate standard of living of resettled communities	Probability of affecting the rights of the communities subject to resettlement due to the non-consolidation of conditions that allow them to ensure the sustainability of their means of subsistence due to changes in the characteristics of the territory they inhabit, adaptation difficulties, reorientation of the socio-productive vocation, modification of their cooperation networks, weakening of economic resilience relationships and weakening of cultural references.
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#### **Management measures implemented by Cerrejón**

The Resettlement Action Plans (RAPs) contain the following measures:

- Delivery of new homes connected to public and community services.



- Delivery of seed capital and land for the development of livelihood projects with access to water.
- Technical and financial assistance for the implementation of businesses.
- Educational strengthening programs for children and young people of school age and access to technical, technological, university, and postgraduate studies.
- Support programs for the elderly.
- Psychosocial support programs and strategies for the preservation and creation of cultural roots in the destination sites.
- External evaluation, developed by experts, to strengthen livelihood restitution measures.
- Allocation of 300 hectares of land for the reconstruction of community activities (Tamaquito II Community) and support for income generation projects.
- Support for income generation projects in the joint ownership lots and other land for the implementation of collective projects.
- Establish access to water through treatment plants managed by community organizations and efforts to connect four resettlements to the Barrancas aqueduct.
- Support to Tamaquito II in its conformation as an indigenous reservation, accessing state resources.
- Connection of Tamaquito II to natural gas distribution in each of the homes.

### **Recommendations made by Trust**

- Promote the continuity of the impact assessment process for the restitution of livelihood measures to the resettled communities (under development in Las Casitas), building trust for the participation of the communities. It is advisable to include in the impact evaluation the evaluation of the effectiveness of the livelihood projects.
- Build the improvement plan of the livelihood restitution strategies according to the results of the evaluation.
- Strengthen the capacities of the consulting team that advises on the implementation of livelihood projects.
- Promote activities for the cultural strengthening of resettled ethnic communities and training of Cerrejón's social teams in the cultural issues of these communities.
- Ensure the continuity of the processes and work rhythms in the face of personnel changes that may have an impact on the development of the execution of the company's commitments with the resettled communities.

### **Recommendations from stakeholder dialogue forums**

- Develop verification mechanisms and ensure traceability of the impacts of livelihood restitution measures adopted within the framework of the resettlement action plans, establishing the pertinent corrective measures with respect to the cultural appropriateness of these measures and the actual effects achieved.

## 4 Environment and health

This issue refers to the preservation of the physical well-being of the communities in Cerrejón's area of influence and the control of impacts that could be generated by emissions of particulate matter, noise, spills, soil changes, and alteration of the landscape and ecosystem components. These situations could have an impact on the quality of life of the communities, the health of their members, or access to physical resources essential for their survival (water quality and availability).



### Importance

Given the nature of Cerrejón's activities, the development of the operation requires the implementation of measures to preserve the psychophysical well-being of the inhabitants of the area of influence, to manage and prevent risks and impacts derived from particulate matter emissions, potential effects on water quality and availability, deterioration of ecosystem and environmental services, soil quality, and housing integrity. The risks of environmental impacts may have effects on the cultural practices of ethnic communities since the concept of territory involves landscape elements, as well as the multiple processes of interaction and co-dependence between the community and nature.

### Rights compromised

- Right to a clean, safe, and healthy environment.

The related risks and impacts refer to:

	Risk of affecting the collective right to a healthy environment	Refers to the probability of deterioration of environmental conditions in the area of direct influence of the operation (mine, railroad line and Puerto Bolivar).
	Risk of impacts on health	Probability of affecting the health of communities and neighboring populations due to exposure to particulate matter produced by coal mining, transportation, and loading, due to its potential to generate respiratory diseases.

### Management measures implemented by Cerrejón

1. Risk of affecting the collective right to a healthy environment.
  - Discharge management in accordance with current regulations.
  - Drainage networks in the areas of the operation to separate water flowing through the mine from water flowing through areas without mining intervention.

- Formation of the Environmental Oversight Committee with the participation of the community, academia, and authorities.
- Preparation of studies on the cultural, supply and regulation services of the *Bruno Stream* ecosystem (compliance with judgment SU 698 -2016) and presentation of results to the Technical Roundtable.
- Direct loading of coal at the port through encapsulated conveyor belts to avoid affecting the marine ecosystem.

2. Risk of impacts on health

- Irrigation of roads with water not suitable for human consumption. Use of sprinklers to wet sterile material (rock) prior to handling, and leveling, wetting, and compacting coal in the train cars.
- Air quality management system for real-time monitoring and early warning generation, with 16 monitoring stations for particulate matter Pm10 and PM2.5.
- Implementation of the Trigger Action Response Plan (TARP) for the management of possible events of high dust concentrations, which includes actions to reinforce control activities and the voluntary suspension of operations.
- Construction of wind barrier and according to the physical wind direction.
- Atmospheric dispersion model for dust emission control.
- Implementation of measures in the community of Provincial (T 614 of 2019):
  - Permanent cleaning of areas, through a cleaning contractor.
  - Air quality standard definition process.

3. Cross-cutting environmental measures

- Availability of real-time information through the national SISAIRE system, Cerrejón's website, and delivery to the Environmental Oversight Committee.
- Real-time monitoring of the quality and quantity of water used in the operation.
- Contribution to the construction, maintenance, and repair of infrastructure for access to water and delivery of around 38 million liters of water to communities.
- Strengthened community capacities for the construction and operation of treatment plants, operated by the communities through ASOAWINKA and TAMAWIN.

**Associated perceived impacts**

<p>Perceived impact of environmental impacts on the right to health</p>	<p>Perceived health impacts on the communities, attributed to Cerrejón's operations, due to (i) exposure to particulate matter emissions and (ii) deterioration of water quality due to dumping,</p>
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	drainage, erosion processes in landfill areas, soil and water contamination from acid drainage, generation of polluting waste and presence of heavy metals.
Perceived impact on water quality and availability	Perception of the decrease in the amount of available water associated with the detour or modification of water bodies, the use of large volumes of water as part of the operation or contamination of water bodies that the communities consider vital for their consumption.

Recommendations made by Trust

- Strengthen the governance model and the capacities of the Environmental Oversight Committee to permanently verify and disseminate the actions taken by Cerrejón to manage environmental issues: training on technical issues for members, incorporation of specialized personnel, and strengthening its presence and performance, especially on the railway line and Puerto Bolívar.
- Analyze and verify with independent third parties the adequacy of the monitoring network for air and water quality and noise generation, in order to establish whether this network should be strengthened.
- Review coal dust cleanup programs at the areas of greatest exposure in light of the strategies implemented in the community of Provincial to extend the practices to these areas.
- Improve communication to communities about the measures implemented by Cerrejón to manage environmental impacts and about the specific studies conducted on air quality, noise levels, and blasting effects on homes, in order to promote greater technical understanding and confidence in the results.

**Recommendations from stakeholder dialogue forums**

- Incorporate the traditional authorities in the Environmental Oversight Committee and disseminate the functions of the Oversight Committee and its composition in the communities for better coordination with this body.
- Create training programs for members of the Environmental Oversight Committees to ensure community participation, particularly in areas with greater difficulty for the Committees, such as the railway line and Puerto Bolivar, so they can monitor environmental issues effectively.
- For the purpose of adjusting the procedures and preventing these delays, internally assess the reasons for any potential delays in cleaning the parking lots that, during the rainy season, may result in the displacement of particulate matter to the communities' transit and housing areas, or to water sources.
- By including the communities in the information and data collecting, as well as the socialization of the methodologies and criteria considered to carry out the socio-environmental studies and the execution of management measures, it will be possible to ensure that they are involved and heard in these processes.

**5** Safety of the communities with respect to the operation

This matter refers to the preservation of the physical well-being and safety of the residents of Cerrejón's area of influence, particularly those communities bordering the railway line, due to their exposure to the coal transportation infrastructure and to the incidents associated with accident situations that may arise from its permanent use, within the framework of the company's activities.

Importance


The magnitude of the infrastructure of the railway line, which crosses a good part of the Department covering 150 kilometers; the constant circulation of the train, which varies between 5 and 6 trips daily; and the cultural relationship of the communities with the territory, which is based on a concept of open space and free mobility; generate challenges to safeguard the integrity of the communities. These circumstances indicate the need to promote safe behaviors to prevent accidents that could endanger the life and well-being of the communities neighboring the operation, whose ways of inhabiting the territory have had to be modified by the presence of the company and the development of its activities.


Anticipating risk situations that may arise in the railway environment and identifying environmental vulnerabilities that may affect such situations is key to avoiding accidents and protecting the population. The permanent crossing of the railway line, the possible inappropriate behavior of pedestrians, the non-use of barriers along the track and other situations that are beyond Cerrejón's control are elements that must be considered to avoid accidents. In addition, the relationship of the ethnic communities with the territory makes it difficult to assimilate the railway infrastructure because it is considered a foreign element with respect to their uses and customs.

Rights compromised

- Right to safety
- Right to life and integrity

The impact verified, that Trust identified in the study, is described as follows:

	Impact due to accidents on the railroad line	Impact on the life or integrity of the members of the communities that live and circulate in the territories surrounding the railroad line due to exposure to accidents associated with the continuous passage of the train.
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	Impact on the right to peace and quiet	Impact on the right to tranquility as a component of the right to decent housing, due to particulate matter emissions affecting urban and non-urban communities near the mine, the train operation and Puerto Bolívar.
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**Management measures implemented by Cerrejón**

1. Impact of accidents on the railroad line

- Accompaniment of trains by the Hy-Rail vehicle, to inspect the condition of the track and prevent events that could put people's lives at risk.
- Presence of company personnel at level crossings and warning by means of lights, whistle and bell announcing the passage of the train.
- Location of crossings or grade crossings and signage along the railway line.
- Communication programs with communities to promote safe behavior on the railway line.
- Community Watchmen Plan in high-risk sections of the railway line.
- Study on risk factors and accident protection factors on the railway line (in progress when the study concluded).

2. Impact on the right to peace and quiet

- Implementation of ICON2 software, unique in Colombia, which allows remote control of blasting with precise timing delays and blast wave control.
- Integration of Shotblast and Blast@Qu software technology for computer simulation of the blast wave in terms of fragmentation, vibration and noise, to predict its potential effects.
- Monitoring network to predict vibration and noise at the different points of interest, which is constantly verified by the authorities.
- Implementation of the Enviro Suite environmental platform, which shows predictions of daily conditions such as relative humidity and wind direction, for restricting the number of detonators and blasting.
- Complaint Closure Plan informing blasting management measures and individual verification visits to complainants.
- Training plans for master builders on the risks of bad construction practices.
- Alliances for housing improvement.

**Associated perceived impacts**

Perception of impact on housing infrastructure due to vibration	Attribution of cracks and fissures in the housing infrastructure of communities neighboring the mining operation with the vibration produced by drilling and blasting activities as part of Cerrejón's activities.
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### Recommendations made by Trust

- Create a prevention program, in coordination with authorities, including health, education, and road safety authorities, ancestral and traditional authorities, and women in the communities, to mitigate social vulnerability factors that indicate the levels of accidents on the railway line.
- Strengthen awareness and communication campaigns to prevent accidents on the railroad line, considering the following actions:
  - Verification of the effectiveness of the communication strategy implemented by the company.
  - Use of channels to disseminate prevention messages.
  - Review of the adequacy of signage along the railway line.
  - Periodic follow-up meetings with communities most exposed or vulnerable to accidents.

**6** Decent and safe work

This issue refers to the generation of dignified and safe conditions that guarantee the protection of the physical, psychological, and emotional health of the direct workers of Cerrejón and its contractors, conditions of equality and non-discrimination in employment and occupation, and the management of situations that may put workers' rights at risk, associated with the fragility of the local and regional contexts.

Importance



The type of work performed by Cerrejón's employees and contractors, some of which involve sedentary or repetitive activities, exposure to noise, vibrations and particulate matter, or changes in work shifts, leads to greater exposure of employees and contractors to health and physical, psychological, and emotional problems. These situations can reduce their quality of life, diminish their quality of life, and affect their ability to enjoy their free time.

Although Cerrejón complies with occupational health and safety standards and adjusts its procedures to the requirements established by law, the possibilities of affecting decent and safe work are related to the nature of the activities carried out by the company, which could compromise labor and employment conditions in its own work or throughout the supply chain, at different levels of the operation.

Rights compromised

- Right to decent and safe work.

The risk that Trust identified in the study is described below.:

	Risk of impacts to health and safety in the workplace for employees and contractors	The possibility of affecting labor rights and occupational health and safety as a result of the activities carried out by employees of Cerrejón, suppliers, contractors, and subcontractors in the context of the operation, or of corporate decisions on labor matters associated with working conditions, shifts or management of contingent situations such as the coronavirus pandemic.
	Risk of children and adolescents' rights being affected by business allies.	Probability of affecting the human rights of children and adolescents due to the potential use of child labor in the provision of services or goods by local suppliers, in the context of a deficit in the satisfaction of basic needs and informal migratory flows



## Management measures implemented by Cerrejón

1. Risk of health and safety issues in the workplace for employees and contractors
  - Risk of health and safety issues in the workplace for employees and contractors.
  - Health and safety system certified by the international health and safety standard ISO 45001 of 2018.
  - Prepaid medical plans for more than 18,000 people, including employees and their families.
  - Virtual and face-to-face training on occupational health and safety, internal policies, sleep and fatigue management, human rights, and risk control.
  - System of active breaks and rest and exercise stations close to the operation.
  - Sealed and air-conditioned cabins in vehicles and equipped with sleep monitoring systems to prevent accidents.
  - Welfare workshops with employees and their families.
  - Processing of the Equipares Seal certification from the Ministry of Labor to guarantee gender equality.
  - Program to address changes in work patterns (shift changes): accommodations at Cerrejón facilities to avoid commuting and facilitate rest, active breaks, and rooms with acoustic insulation for rest, and fatigue prevention and warning mechanisms.
  - Mechanisms for employee participation: Joint Occupational Health and Safety Committee, Health Commission established in the Collective Labor Agreement, Labor Coexistence Committee, and workspaces with unions.
  
2. Risk of children and adolescents' rights being affected by business allies.
  - Adoption and dissemination of the Human Rights Policy.
  - Incorporation of the contractual clause on compliance with the Human Rights Policy.
  - Labor audits of contractors.

### Measures for pandemic management:

- Creation of the COVID-19 management committee and implementation of protocols for the protection of employee and community health, controlled return plans, and identification and monitoring of vulnerable workers.
- Protocols for reducing the spread of the virus.
- Guide or roadmap with 5 pillars for control or mitigation of COVID 19 infection:
  - Verification of health status.
  - Proper use of biosafety personal protective equipment and training.

- Social distancing and control of the operation.
- Hand washing, cleaning, and disinfection.
- Ventilation of areas.
- Awareness-raising process and broad and permanent communication strategy for both employees and contractors.
- Application of PCR tests in the operation to all company employees in June 2020.
- Vaccination for safe return to work under medical supervision.

**Associated perceived impacts**

Perception of psychosocial impact on employees due to changes in working conditions (shifts).	Perception expressed by workers' representatives at the time of the study (2001 and 2002), of the effects associated with the adoption of the 7x3/7x4 scheme, with its implications regarding the reduction of rest, the possibilities of autonomous use of their free time and the effects on family life.
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**Recommendations made by Trust**

- Incorporate the human rights due diligence process in corporate decision-making processes that have an impact on labor conditions.
- Extending the plan for monitoring and verifying the performance of suppliers and contractors (comprehensive audits to follow up on human rights issues and labor, occupational safety, and health standards).
- Strengthening of mechanisms for specialized analysis of psychosocial risks, to identify and manage situations that may affect workers psychologically and emotionally at an early stage.
- Develop a protocol for the prevention of harassment and gender-based violence and the construction of inclusive work environments.
- Strengthening of mechanisms with an ethnic differential approach in local labor hiring processes.

**Recommendations from stakeholder dialogue forums**

- Strengthen due diligence with a preventive focus on specific decisions specific to Cerrejón's operation (application in decision-making that may affect labor, social and environmental aspects), to anticipate possible negative effects on the quality of life of stakeholders or conflicts derived from this type of decisions.

## FINAL CONSIDERATIONS

The results of the Third Human Rights Risk and Impact Study are the product of an extensive process of review and analysis of information, for which Trust had the invaluable support of Cerrejón's various stakeholders and their participation in the two phases of this process: (i) the collection and analysis of information in the initial dialogues with stakeholders and (ii) the feedback of the results and recommendations by different types of stakeholders, in a second round of conversations. This exercise sought, within the framework of international standards on human rights and business and corporate due diligence, to hear the perspectives of a wide and diverse range of stakeholders, in order to ensure their participation and contribution to the management of the outstanding human rights issues identified.

This study aimed to provide inputs for Cerrejón's activities to be respectful of human rights, identifying those critical issues that deserve special attention. The findings allowed for the definition of recommendations structured around six key human rights issues, namely: (i) issues related to the cultural identity of ethnic communities, (ii) physical security and human rights, (iii) non-voluntary resettlement, (iv) environmental and health issues, (v) community security in relation to the operation, and (vi) internal labor issues and Cerrejón's supply chain. These recommendations were presented to the company in the form of a proposed action plan, for which specific activities and monitoring and verification indicators were suggested to facilitate the incorporation of these recommendations into its management strategy.

Among the challenges identified for the management of human rights issues identified in the study Trust notes crucial issues such as:

- The relationship with public authorities to generate synergies in the management of human rights issues, especially those that originate in or are reinforced by elements of the external environment of the operation and, therefore, demand collaboration and co-responsibility strategies.
- The strengthening of trust with stakeholders such as communities, NGOs and trade unions, given the need for cooperation in resolving issues that are crucial for the respect of human rights and the generation of shared value.
- Consideration of the just energy transition and mine closure as references for the contribution to the promotion of sustainable development strategies, in which the different stakeholders participate as managers of local and regional development, within the framework of the construction of a shared vision, of a prospective nature, on the territory.

We thank all stakeholders for their active participation and support in this process. Their involvement was fundamental for the completion of the study and for the definition of useful recommendations to manage the highlighted human rights issues. With the delivery of this report, Trust hopes to contribute to the generation of synergies, the building of trust, and the

gestation of new efforts for the development of a region of vital importance for the country, such as the department of La Guajira.