

Bogotá, June 15, 2018

VAPC 132.18

Leslie Burdock
Project Coordinator
Facing Finance
Germany

Dear Ms. Burdock,

We understand the limitations and difficulties you face in accessing verifiable information when creating an extensive report such as "Dirty Profits." And it is precisely because at Cerrejón we believe in transparency and practice an open-door policy, responding to your request for information by sending our observations on the draft we were consulted about, that we regret to tell you that we are deeply disappointed with the content of pages 23 and 24.

The story related about the situation in La Guajira and the behaviour of Cerrejón distorts the information provided by Cerrejón and is clearly misleading for the reader.

Specifically, I would like to call your attention to the points we consider to be the most serious:

1st photo and text on Mrs. Díaz case



On September 28, 2017, the anti-riot police squadron (ESMAD) destroyed the farm of Eneida Díaz de Barbosa in Patilla, La Guajira , Colombia. © Angelica Ortiz

"In September 2017, a villager from the Patilla community was evicted from her farm which she had previously rented from Cerrejón, without prior notice. The farm was destroyed by the Colombian riot police, and several of her animals that are essential to her livelihood are now missing."

The photo actually shows Cerrejón employees demolishing the premises (days after the formal eviction) and not the anti-riot police squadron (ESMAD), as can be implied by looking at the image.

On the contrary to what the photo caption seeks to convey and the description of the case, El Guamito, owned by Cerrejón and located in the rural area of Barrancas, was loaned in 2004 to Mrs. Díaz on condition that she return it when it was needed by the operation.

Foreseeing the need of this property for its operations, the company formally requested Mrs. Díaz to return the property on three different occasions in 2014. No reply nor acceptance was ever received. Consequently, after

the due legal steps to reacquire its property were taken, the company requested that the authorities retrieve it. This procedure was carried out in compliance with regulations and respecting the rights of the people residing on the property. Mrs. Díaz knew about the situation, was advised by an NGO and also received help from a lawyer. The entire process lasted three years, and additionally it should be mentioned that Cerrejón assisted Mrs. Díaz in the transfer of her animals.

The proceedings were carried out in September 2017 without incident, as Cerrejón had previously provided Mrs. Díaz a plot to establish her farming and had reached an agreement with her. All this was done in compliance with Colombian law and respect for human rights. Government institutions such as the Public Ombudsman, the Colombian Institute of Family Welfare, the Family Services Agency, the Barrancas Municipal Ombudsman and the National Police were also in attendance.

2nd "As recently as January 2018 it has been reported that at least four community members speaking up against Cerrejón have faced threats and two community members have been killed for defending their territories."

Cerrejón emphatically rejects any suggestion, insinuation or accusation of being involved in these events, as we categorically denounce the use of violence or threats under any circumstances. Any type of acts of violence or intimidation to members of the community or its leaders is unacceptable. As always in situations of this kind, the company has made a request to the appropriate authorities to investigate the incidents so that the perpetrators of these deplorable acts can be found and brought to justice. We have also requested that they take immediate action to protect the life and dignity of human rights leaders and defenders in La Guajira and throughout the rest of the country.

3rd "In December 2015, the Inter-American Commission on Human Rights required the government to ensure access to water for Wayuu people of La Guajira after 4,700 children allegedly died due to severe drought over the past eight years."

Cerrejón greatly regrets the humanitarian crisis suffered in La Guajira which has resulted in the deaths of many Wayuu children, but stating a link between Cerrejón and this dramatic situation is completely irresponsible and demonstrates a lack of knowledge of the local and national context. What we do recognise is that efforts from the local and national Government were insufficient to address a chronic and severe situation. Cerrejón has dedicated significant resources to improving the quality of life in our neighbouring communities and the article did not acknowledge the tremendous support provided by the company during the severe drought experienced in the region, which affected the livelihood sources of hundreds of families. Just as an example, since the beginning of the drought period in 2014, Cerrejón has aided more than 200 communities by:

- Delivering more than 89 million litres of water to communities (more than 25,000 inhabitants).
- 107 repairs of windmill-driven water pumps that now provide approx. 2.7 million litres of water a day for 64 communities.
- Delivering more than 1,640 water tanks to over 238 communities to store water.
- Since 2014, 23 water access and storage solutions have been implemented in 21 communities benefitting over 10,000 people from the municipality of Uribia. 12 underground wells have been implemented, 4 manual systems have been replaced by solar run mechanisms and 4 jagueyes (reservoirs) have been enhanced

- Cerrejón and its Foundation have promoted the formation and strengthening of 14 Water Committees in communities from Manaure, Uribia, Maicao and Riohacha to develop individual and collective water management capacities
- Cerrejón has dedicated resources, within its social performance strategy and implemented through the Cerrejón Foundation for food safety with the following results:
 - In 2017, 2,469 indigenous families from 28 communities participated in our food safety program in alliance with national and international organizations, such as the World Food Program. In 2017 our project focused on strengthening traditional wayuu productive systems.
 - Cerrejón, through its Foundation, continues to promote progress and well-being in regional indigenous communities by teaching innovative skills, distilled from modern methods, while supporting and encouraging the continued use of traditional practices. In 2017, 583 Wayuu people from 28 communities were trained in agricultural and goat management.

For all these reasons, I respectfully request that the observations stated above be taken into consideration in the final version of your report.

Sincerely,



Lina Echeverri
Vice President of Public Affairs and Communications