



### Virtual Side Event

To mark the 6<sup>th</sup> Session of the open-ended intergovernmental working group on transnational corporations and other business practices with respect to human rights (OEIGWG)

## “Digging Deeper: Mining in Colombia and the urgent need for a UN Treaty”

Wednesday 28<sup>th</sup> October 2020, 2pm-3pm CEST (1pm-2pm UK/IRE; 8am-9am Colombia)

Zoom [link](#) (See below).

### Background

The theme of this event is the ongoing struggle to hold transnational corporations and other business enterprises to account for human rights abuses, environmental harm and corporate misconduct they cause, contribute to or are directly linked to in the global south.

Land and environmental defenders are currently the first lines of defence in the protection of ecosystems and global common goods that are the basis for life on Earth. As the UN Special Rapporteurs on human rights have reported, corporations have often been complicit or directly involved in grave violations against the environment and abuses against those who seek to defend it. Human rights defenders working on business-related abuses and environmental issues relating to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging often face extreme risks and brutal consequences, such as killings, attacks, sexual violence, smear campaigns, criminalisation, judicial harassment and repression.

The Carbones del Cerrejon Ltd. mine, operating in La Guajira Colombia for decades, is one of the world’s largest open-pit mines. It is jointly owned by subsidiaries of multinational mining companies BHP, Anglo American and Glencore. More than ten court rulings and resolutions from Colombian courts, the Environmental Ministry and other authorities have highlighted the negative impacts of the operation to indigenous and afro-Colombian communities’ right to health, water, to a healthy environment, to participation, to food security, and to live in decent conditions.<sup>1</sup> However, to date, there has been the inadequate implementation of these court resolutions by Colombian authorities and human rights groups have complained of a lack of full compliance by the company with these rulings and agreements with communities affected or forcefully re-settled.<sup>2</sup> UN human rights experts recently called for a halt to mining close to affected communities in Provincial.<sup>3</sup> The pandemic has also highlighted how, in this semi-arid region, lack of water, exacerbated by mining operations and the climate emergency, is an important challenge. Human rights and environmental defenders in La Guajira denouncing human rights violations or environmental damages or taking public or legal actions have faced great risk and violence, including serious threats, intimidations and attacks.

The Cerrejón case illustrates the struggle of communities to defend their human, environmental and spiritual rights and **lack of effective redress and justice**. It shows the insufficiency of voluntary

<sup>1</sup> The Colombian high courts have issued rulings such as T-614/19, SU 698/17, T 704/16, T -256/15, SU - 658/15, among others, which indicate that there is a violation of the rights of the communities, and damage to the environment, water and health by the extraction activity of the company, the Ministries of Environment, Mines and Energy, the National Environmental Licensing Authority ANLA, Coporguajira, among other state entities are responsible for omission or action.

<sup>2</sup> <https://www.contraloria.gov.co/documents/20181/1736422/015+Informe+Auditoria+Cumplimiento+MADS+Arroyo+Bruno+Is.pdf>. <https://www.business-humanrights.org/en/latest-news/colombia-civil-society-organisations-rejoinder-to-cerrej%C3%B3n-coal-on-evidences-of-social-environmental-impacts/>.

<sup>3</sup> <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=26306&LangID=E>.

